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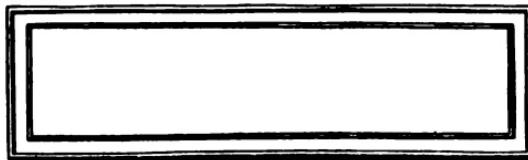
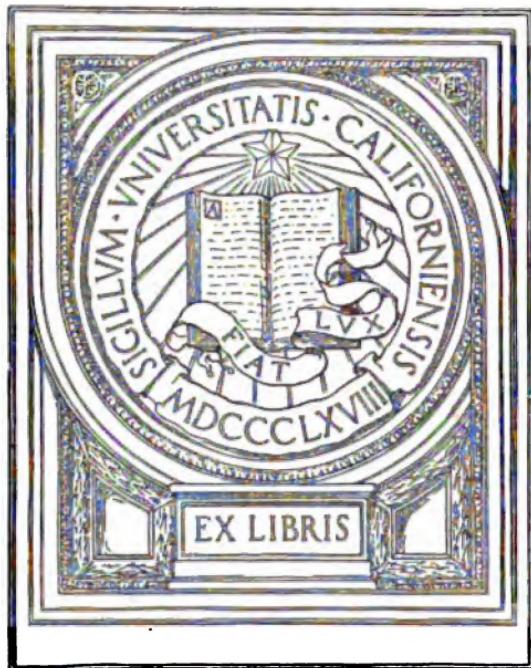
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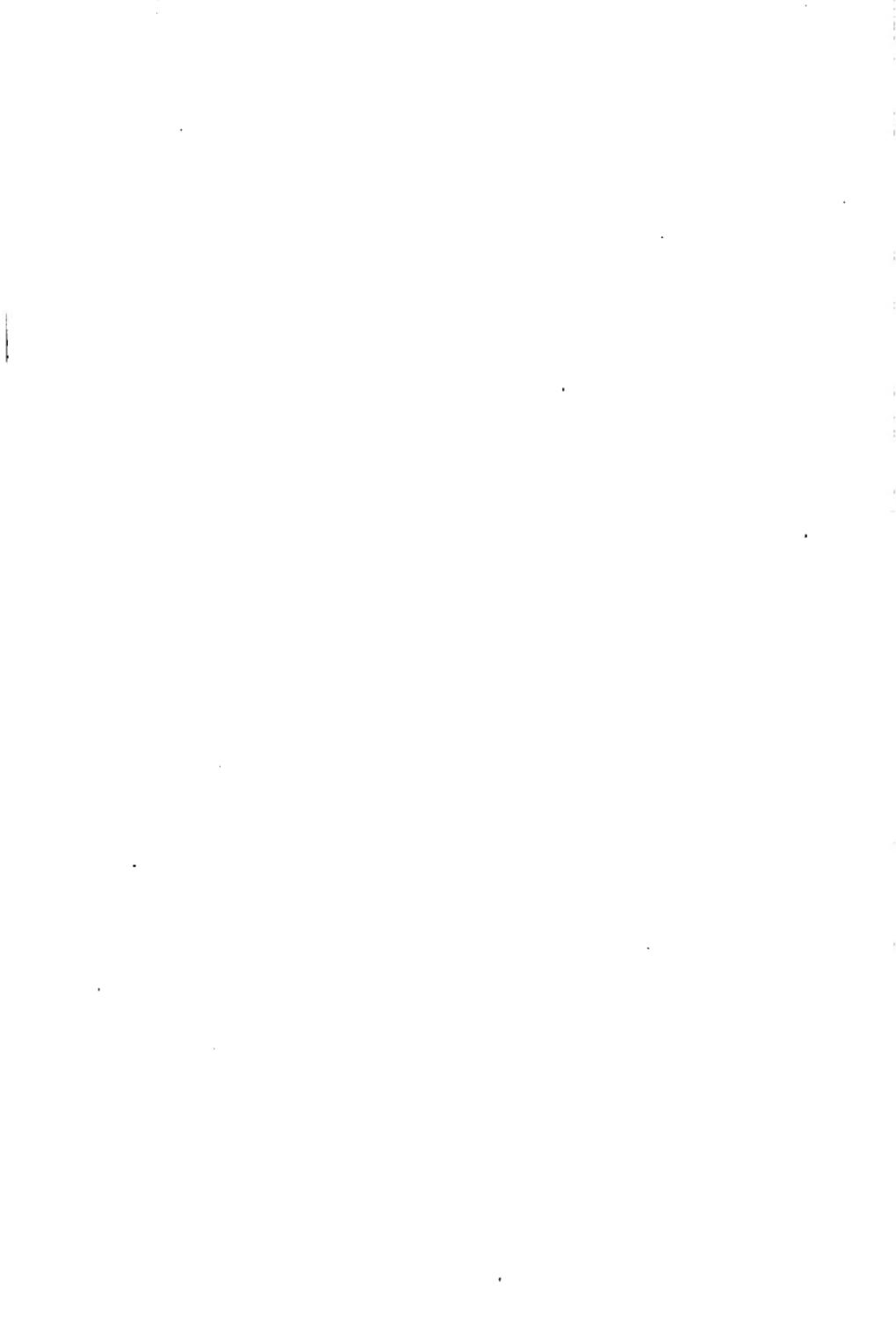
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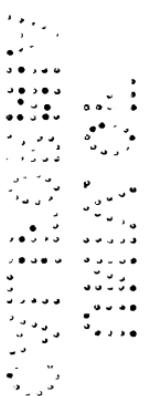
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DEFRAUDING  
THE  
GOVERNMENT  
TALES OF SMUGGLING  
WM. H. THEOBALD



Mr. Orrin







WM. H. THEOBALD.

# Defrauding the Government

True Tales of Smuggling, from the Notebook  
of a Confidential Agent of the  
United States Treasury

by

WILLIAM H. THEOBALD



MYRTLE PUBLISHING CO.

1 West 23rd St., New York

1903



C. A. WALD

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**1 WEST 34TH ST., NEW YORK**  
**1908**

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**NEW YORK**

NO. VIII  
AMERICAN

TO THE MEMORY OF ONE OF  
GOD'S NOBLEMEN

**I**saac Danenber~~g~~

STAUNCH, HONEST AND TRUE  
THIS BOOK IS  
DEDICATED

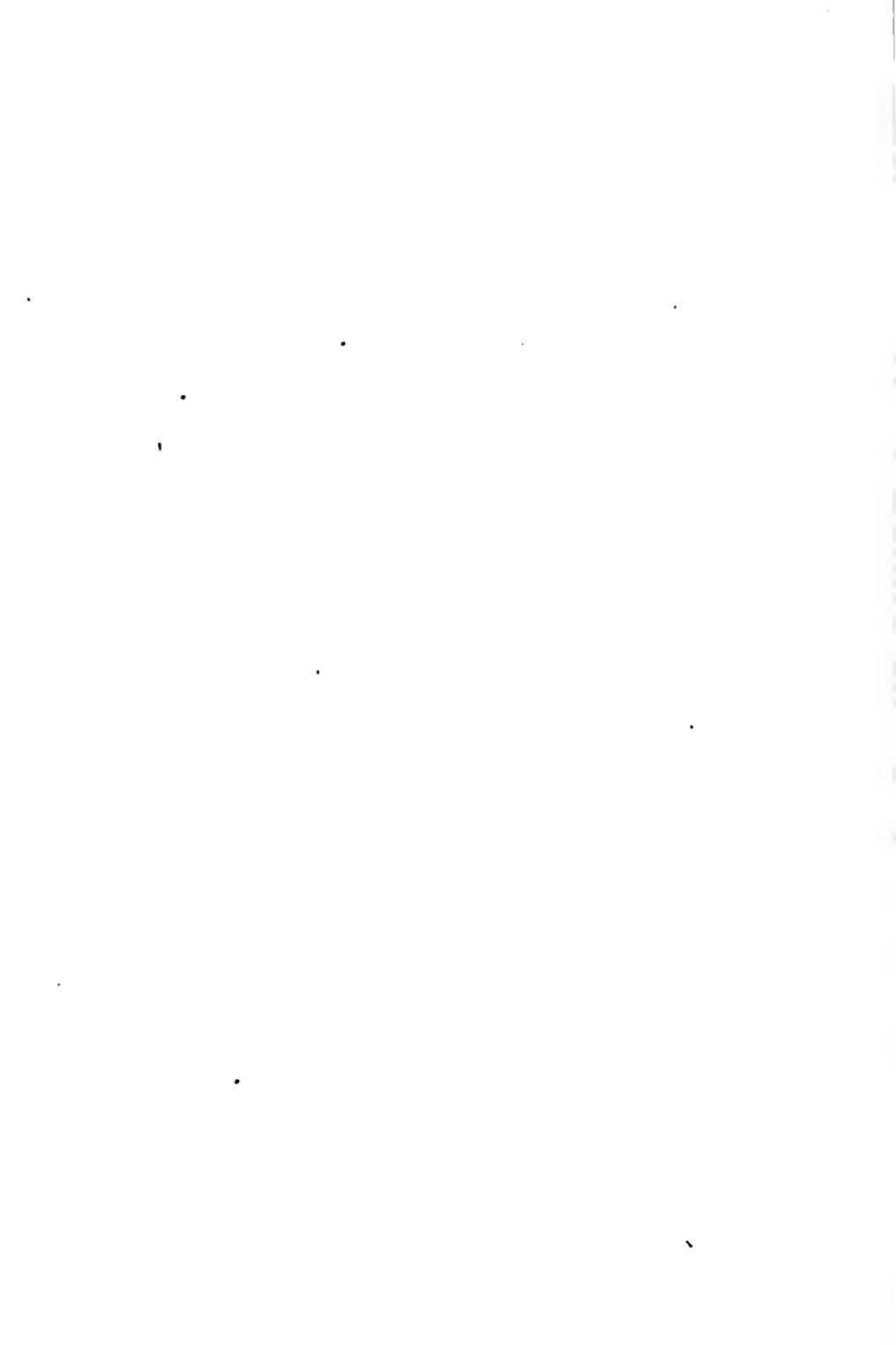
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“NONE BUT HIMSELF CAN BE HIS PARALLEL”

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## PREFACE

"Happy were men if they but understood  
There is no safety but in doing good."

IT is no easy matter to hazard a guess why so many wealthy people smuggle. That it is a love of gain is no more certain than is the belief that these same daughters or sons of wealth defraud the Government because they just cannot help stealing. And smuggling, to my mind, is a low form of theft. Deprived of their riches, some of these cheats of a great Government would be classed as common culprits, and doubtless many of them would end their days in some State's prison for pocket-picking, sneak thievery or some equally low-blooded crime. Money alone keeps many of them from committing these inferior offenses.

I always feel "a blush of shame" when I see a customs inspector rummaging among the contents of a clergyman's luggage. It does not seem right that the cloth should be thus questioned, that the personal effects of the returning minister, priest or rabbi, as the case may be, should be subjected to the ordeal of a triple extract of investigation by those who are paid to collect Uncle Sam's revenues; but society is responsible for this

condition of affairs. From such specimen bricks one is, unhappily, too prone to judge the quality of building material.

Smuggling has been a thorn in official sides for centuries. If one were to delve into the ancestry of some of the richest men of England and France, it would be discovered that the foundations of their wealth were laid through the unlawful traffic of dutiable goods across the English Channel. Yet it is an uncommon thing for the latter-day smuggler to accumulate riches in his nefarious pursuit. I know of at least a dozen men who, although for years identified with the illicit introduction of precious stones, are now dependent upon others for their livelihood.

Take the case of Max J. Lasar, for instance. He made money fast enough for a time through his regularity in defrauding the United States. He was long suspected, and finally caught. To-day he is a beggar, or practically so. Every penny of his ill-gotten gains was spent by him and his relatives in an attempt to keep him outside prison bars. His arrest and trial attracted worldwide attention.

General Wellington, the prosecuting attorney, says that Lasar's was the greatest case the Government ever had to deal with. It certainly was interesting as showing the impossibility of continued success in the trade of smuggling. Smuggling was nothing more or less than a trade with Lasar. He

died in poverty in Bohemia a few years ago, and for years before his death he was among the "down and out," as the expression prevails, and so are many others who robbed the revenue for years. Still I believe that smuggling will always remain with us so long as we have a revenue, a society woman and a man of easy virtue. Men do not usually smuggle for their wives. I have learned they frequently "honor" their mistresses by doing so.

In the pages that follow I have given the stories of big smuggling by big smugglers as I have found them. I have made no attempt at elegance in relating the various events, incidents and episodes. Neither have I taken the fire of other smuggler catchers, but have adhered strictly to a relation of those cases in which I was directly concerned. I have not detailed any of the smaller attempts at fraud. Space would not permit my handling of their great number.

I have recorded each case as faithfully as possible, taking no sides, and presenting the whole without any desire to veneer or blacken this culprit or that. My operations were frequently assailed, particularly by influential and wealthy men whom I brought to judgment. One of these made an attempt on my life. But I have treated him none the worse for that.

Another who swore he would have me removed from my position in the Government, because I

caught him as a common smuggler, used his influence to have me officially decapitated, but did not succeed. Yet I have treated him kindly in the record of his attempt to rob Uncle Sam.

I have seen so many dishonest men in my day that I cannot refrain from saying, with Pope:

"A wit's a feather, and a chief's a rod;  
An honest man's the noblest work of God."

W. H. T.

NEW YORK, July, 1908.

# **THE LASAR DIAMOND CASE**

## **CHAPTER I**

If Max J. Lasar had remained faithful to his spouse, he might have continued with the dishonorable honor of being the champion professional smuggler of the world. But he had a deluding sophistry that he tried to believe, and it was in a great measure his undoing. He thought, like many another man, that his wife's love could thrive as well in the shade as in the sunshine, but he forgot, among other things, the important fact that, while a woman in love is sometimes the blindest of human beings, she is always the sharpest of clairvoyants. He had quite a few love affairs, had this great smuggler, but his wife, who wanted for nothing except love and a little attention, knew nothing of these, bless her soul!

Every time that he went to his legal home it was with the supreme knowledge that he had done nothing that his wife knew, and when her love began to cool and her eyes welled up with tears he wondered what was the matter. Of course, he had secrets. Mrs. Lasar did not know of this folly or

# TO VIMU

## AIRPORT IN 2 DEFRAUDING THE GOVERNMENT

that escapade, or where he was the last night he remained away from home. What, then, could be the matter with her? He asked the question of himself many times.

Lasar was not a bright man, save as a smuggler, and he never had heard of a system of telegraphy between souls. Some may dispute that there is any such system of wireless telegraphy, but that is a matter of little concern just here. Mrs. Lasar did not know absolutely, but she felt in her bones, maybe, or perhaps it was mere everyday democratic intuition that made her believe that her husband was doing wrong. At all events, she was right, and, following the advice of several of her friends, she applied for a divorce.

It was the knowledge of the institution of this divorce, and another happening, that caused me to "form" the acquaintance of Lasar. I was lunching in the café of the Savarin one day, when, without any desire on my part, I heard a heated discussion as to the smuggling of diamonds. Naturally, I was interested, and could not resist the impulse to turn around to see who were the principals in the argument. I recognized one as an old acquaintance, who was in the diamond business. His remarks about smuggling were so pungent and clear-headed that I determined to call upon him at the earliest opportunity. This I did that same afternoon.

I told him that I had been detailed by the Secre-

tary of the Treasury to look after the unlawful importation of precious stones. He had not seen me at the Savarin that day, but he remarked that it was odd that I should visit him just then, for the reason that he had had that day an animated discussion with an intimate friend who was inclined to shield several of his friends who were supposed to be smugglers.

This diamond merchant asked me if I desired to meet some of the members of the trade. I told him it would be of incalculable benefit to the Government and myself. He then took me to the offices of several firms. It was at one of these interviews that the name of Lasar came up.

"I knew that man for years as a smuggler of diamonds," said a merchant at one of the conferences. "He is as bold as a sewer rat. There is not a question but that he imports surreptitiously each year many thousands' worth of precious gems."

I volunteered to try to catch Lasar. My plan was to land the fish through the agency of one or more of his supposed friends, and the first thing that I did was to inquire into his wife's divorce proceedings, and also into the characters of his relatives.

I learned within a few hours that Mrs. Lasar was a daughter of Frederick Buckner, of the firm of F. Buckner & Son, the Fifth Avenue jewelers, and that, while her faithless spouse did not at-

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tempt to deceive her in some things, he never kept her posted on matters concerning his illicit relations with the Government.

Lasar was as big a coward as he was a knave. He was afraid to bring in on his own person the valuable stones that he purchased abroad, so he used his brother's wife as a cloak. This I learned inside of twenty-four hours after I volunteered to run him down. It has been said of the man that he had personally brought in jewels on which he failed to pay duty; but, try as I might, I failed to get accurate information that would lead to any conclusive proof of his having done so. He generally trusted to a second party to hold the centre of the stage in this proceeding, and the method helped to make his downfall the more complete.

I will say of Mrs. Lasar that, while she was perfectly willing at times to discuss the marital infelicities of her husband, she would at no time enter into any conversation as to his business. This seems strange, too, considering the intense feeling of disgust with which she received his name once she absolutely realized that her fears as to his improprieties were only too true. Yet it was not strange that she should remain silent.

The sister-in-law of Lasar was frequently seen at the Windsor and St. George hotels in Montreal, and usually about the time of the arrival of steamers from Liverpool. She was the real go-between

in the illicit game. She was clever to a degree, but she unwittingly helped a good deal in bringing the man to justice. I had received *carte blanche* from Collector of the Port Bidwell to proceed with my investigation, and making the sister-in-law of Lasar believe that I had dropped the case, I went off on another tack, in search of information.

I learned that because of his wife's divorce proceedings, and for other private reasons, Lasar made a business of living at two hotels at the one time in any town in which he stopped. He imagined that it would be impossible for anybody to expose him so long as he played Dr. Jekyll at one hotel and Mr. Hyde at another, in a different part of the town.

Mrs. Lasar lived in a palatial house in the upper part of Manhattan, while her husband, when in the vicinity of the metropolis, usually stopped at the Washington and Taylor's hotels in Jersey City, just across the river. Being in New Jersey, he was practically out of the jurisdiction of a New York legal process. It transpired during the course of the preliminary investigation that Lasar, who had offices at No. — Maiden Lane, in New York, visited them but once during six weeks that he spent in Jersey City, a young man in his employ bringing him his mail and taking back smuggled gems, it is supposed.

It is a strange thing, but nevertheless true, that a number of the best known, but not highly re-

## 6 DEFRAUDING THE GOVERNMENT

puted, firms in the diamond district were the mediums through which the man disposed of his wares; and it is also strange, though not as remarkable, that these same people were the loudest in their protestations against the illegal introduction into the country of dutiable goods. Lasar made tools of many, big and little, but these "honest merchants and churchgoers" made a willing tool of him.

His chief middleman, however, was his own brother, Morris, who, with the latter's wife, Sarah, played a star part in the sensational developments of the case. Morris Lasar posed as a genial boniface. He pointed with pride to his proprietary interest in the Pavonia Hotel, at the corner of Chambers and Washington streets, in Manhattan, though in reality it was nothing more than a saloon intended to get around the objectionable Raines Law during certain restricted hours and on the Sabbath. Smuggler Lasar usually arrived in Montreal from Europe about the time that his interesting sister-in-law came up from New York.

I had been steadily at work on the case for more than a month, without learning anything of a really incriminating nature against the man, when I determined to make a ten-strike or go a cropper. There were two individuals, John Maxwell and James Armstrong, who claimed to be partners, but who were really representatives, of Max J. Lasar. All merchandise that was owned by him

was sold under the name of Maxwell & Armstrong, and I learned that one was his salesman and the other his bookkeeper.

I considered Maxwell the weaker of the two, and as I was looking for vulnerable parts in this dangerous fleet, I went sailing after this particular craft in the squadron. Maxwell knew me by sight, and for that reason I realized that I would be unable to sail under false colors. I drew his fire by appearing at his home on 100th Street, in New York, before he arose one morning. I met the elder Mr. Maxwell at the door, and he asked me to wait in the dining-room while his son was preparing his toilet. The son turned as white as a piece of chalk when he saw me, and I then felt satisfied that I had planted my first shot in a vital part.

The fact that the elder Maxwell was in the doorway behind him calmed the young man somewhat, but he was not prepared for the galling fire that I put into him in the form of personal questions the next few minutes that followed. I did not spare him a particle. This is what I said:

"I have positive proof that you have been selling smuggled goods for a number of years. I have been sent to you by the Collector of the Port to say that, according to the customs laws, you are equally as guilty of committing a crime against the Government as is Max J. Lasar. The man who sells goods fraudulently imported is every bit as guilty as the man who purchases them and

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brings them in free of duty. I want to warn you that you must stop the business."

"For God's sake, John, do not tell that man anything," said the elder Maxwell, coming forward and touching his son on the arm.

"I know who this man is, father," replied the young man, "and I am going to tell him the whole story."

The breath was nearly knocked out of my body when I heard this. I could scarcely believe my ears. I know that my face must have turned color, but it was not noticed by either of the men, and it is lucky for me that it was not. I thought that I noticed the older man reach back to his hip pocket, and I stepped forward to be on my guard. I must have been mistaken, however.

"The young man is right," I said, addressing his father. "He will do the proper thing in telling me all that he knows in this matter."

Even as I spoke I doubted that the man would fulfil his promise. It seemed altogether too good to be true. It should be borne in mind that I had, up to that time, been working for several months on the case, and that I had not an atom of evidence against any of the Lasars. The Government up to that time was completely at his mercy.

A little woman, with a tiny rosebud in her hair and a big rolling-pin in her doll-like hand, came upon the scene at this moment, and I immediately divined that there were rocks ahead. She was the

wife of John Maxwell, and it was evident that she was the master of the craft, and that she did not place much dependence in theories or hypotheses.

She held her other baby-sized hand behind her, but as I failed to observe any steam arising from that direction, I breathed easier. I am not fond of hot water when it is in a steaming kettle. I was trying to get her range, in anticipation of a broadside of abuse, when I found in the next instant that my apprehensions were as uncalled for as were my first impressions of the woman unjust. Amid a broadside of joy I heard her say:

“Take the gentleman into the parlor, dear. The dining-room is no place to receive guests at seven in the morning.”

She said it as sweetly as an angel would smile, and I knew that I would not have to go into dock and refit on this particular voyage. Mrs. Maxwell followed in our wake as we entered the parlor, and as we cast anchor in a chair where she could watch me closely through a mirror without the necessity of staring at me directly, I saw that she had thrown the rolling-pin “overboard,” and was unarmed. The sea thus becoming calmer and land in sight, the woman’s husband told the following story:

“The real emissary of Max J. Lasar is the wife of his brother, Morris Lasar. She has been the go-between for some time. I have been acting as sole agent of the man, though I am nothing of the

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kind. Several weeks ago Max Lasar cabled me from Liverpool that he was about to embark in the Dominion Line steamer Labrador, *en route* to Montreal. He instructed me to inform his brother of that fact, that the latter might send his wife to Canada to meet him. I don't know how the information reached Lasar's brother. I never sent him word that he was to arrive in Montreal.

"Mrs. Lasar went to the Windsor Hotel in Montreal and registered as Mrs. E. Smith of Brooklyn. She remained at this hotel one day only, and to throw off detectives, should there be any on her track, she took a long trip out in the country, returning to Montreal during the night. She went to the St. George Hotel, and registered under the name of Mrs. S. Lasar. She returned to New York three days following, and the next morning I visited the woman's husband, who said that his wife had a valuable package belonging to Max Lasar.

"I asked him what he had done with the package, and he said that it was so valuable that he had dug a hole in the cellar of his saloon and buried it. He told me at the same time that Max had returned to the States, and was then stopping at the Washington Hotel in Jersey City. However, Lasar came to the Maiden Lane office and said the contents of the package his sister-in-law brought comprised \$250,000 worth of diamonds and other precious stones, and added that Armstrong was

to get them next day from his brother and dispose of them in the open market as rapidly as possible, because he wanted to return to Europe within ten days to procure another load."

Promptly the next morning Maxwell or Armstrong called at the saloon of Morris Lasar, and presented a written order for the property buried in the cellar. In an understanding between men of this kind it is only natural to assume that there is some degree of honesty. There never was a truer ancient law than "honor among thieves." Those who doubt it have only to make a study, no matter how cursory, of the inmates of the various States' prisons. Some of them stop at nothing to buy flowers for a degraded woman, but only the low order of thieves play sharp tricks upon one another. Brother Lasar looked the order over in an indolent sort of way, and handed it back to Armstrong, with these words:

"You get a big fat slice of the pie. So does my brother. I am very fond of Max. He is the cleverest of the family. My wife asked me the other night why I couldn't be as smart as he is. Well, I am! You just trot back to Max and tell him that his diamonds are in pawn, and that I am the pawn-broker, banker and the whole shooting outfit. You might just as well remark to him that if he wants the stuff that I have planted in my cellar he has to pay me \$10,000 for the crop. This is hay-time,

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please say to my dear brother, and I may raise my price to-morrow."

However, Maxwell says you could have sold him for a ha'penny when this astounding proposition was made to him. He could scarcely contain himself with anger, and he exploded with a remark more forcible than original. He told the gin-mill keeper that in his opinion he had not a shred of conscience left, to which Brother Lasar bowed in genuine Alphonse-Gaston humor. "Then," said Maxwell in relating the event to me, "he had the cheek to invite me to have a drink, and made me pay for it. I never went into his place again unless urgent business demanded my presence there."

Max Lasar knew his brother well, by which I mean he knew him better than any living man. He was amazed, of course, when the news of the demand of his brother was conveyed to him, and, although he had a most elastic conscience and an india-rubber heart, either of which would be stretched without being strained or broken, he did not relish anybody being more dishonest than himself. It did not take him long to decide, however.

"Don't lose a moment," he said to his clerk. "Get back as fast as you know how, and give him these. I know what he will do. He will want \$20,000 to-morrow."

The diamond smuggler pulled a wallet from an inside pocket and counted out nine \$1,000 and two \$500 greenbacks.

"Damn him!" Maxwell heard his employer say as he took his departure. "And I know enough to hang him!"

The following morning the package of diamonds was delivered to the smuggler. "I'll keep them for a few days," said Lasar, "and then give them to you to dispose of."

Lasar trusted Maxwell implicitly, and frequently told him much of his family affairs.

Maxwell was blind to many things, and his employer was so blind to his own folly that he never supposed for a moment that anybody could see the skeleton in his closet. But "in the kingdom of the blind the one-eyed are kings," and in the natural order of events, Lasar sometimes failed to recollect that he had a wronged wife and that detectives were cheap. These divorce-procuring sleuths never lost sight of their man after he was five hours in Jersey City.

They had rather anticipated his coming in a way secret to themselves, and they readily learned that a petite English miss had followed his arrival in the former celebrated town of bunco-men and trusts by scarcely one hour.

And while the dodger of duties was ruminating on how he could hang his erratic brother, but would not, the Holmes and the Vidocqs were weaving a noose to hang the erotic brother, and would

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do so. Time opens many graves, and how that of Max J. Lasar, smuggler and free-lover, was dug is to be told in another chapter.

## CHAPTER II

IN books of fiction, tales of love and reviews of the stage, all women are documented as being pretty, often when they are not. Some of the most successful women of the world have been homely, and they were doubtless successful because they were plain, and not vain. Bayard Taylor said:

"A spirit clothed with grace,  
And pure, almost as angels are, may have a homely face."

Ivy Cruede was not homely, neither was she an angel. She was just a poor devil of a girl who always got the wrong end of everything. She might have been a good girl if some of the high-minded millionaires and freely scented rich dames who spend money on questionable institutions had laid the corner-stone for her and other unfortunates of her kind to step across the muddy, slimy stream.

Ivy Cruede was a pretty girl, and in a matter-of-fact narrative like this, where looks do not count, the statement is made only because it is true. Her face was her misfortune, and she was a simple automaton of impulse. Her grace and

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looks made her much sought after, and she was lost in the maelstrom of flattery and admiration. She had been given a splendid education, however, and this should have saved her. She had never been loved for her real worth, although she was, just dying for an honest man's affection.

She was unable to distinguish between the real and unreal, and when Max J. Lasar met her on the Labrador, posed as a single man, and told her that he loved her, she, poor moth, danced around the bright-flamed candle and got her wings singed. This, then, was the sort of woman that the diamond smuggler brought with him to Jersey City when the divorce detectives were hot on his trail, and it was this woman who afterwards proved the star witness for the Government.

Ivy Cruede lived at Taylor's Hotel in Jersey City, and Lasar spent his nights there in company with her, and his days at the Washington Hotel, near by, in the company of his diamonds. Messrs. Munroe, Harold & Evelyn had been retained by the father of Mrs. Lasar to secure evidence for a divorce. Some of the best detectives in that line of business were secured to help Mrs. Lasar get her marital freedom. They were lavish in their expenditures, and made rapid headway.

The clerk of the Washington Hotel was a most obliging young man, and he saw no objection, one afternoon, to lending the sleuths a ladder and showing them the transom that was over the

smuggler's door. He had gone to his room a half-hour before, and they knew it as well as the hall-boy, who gave them a sly wink when he came bounding downstairs a few minutes after the man entered.

It is a matter of official record what the detectives saw from the ladder while peering through the transom, but for the sake of completeness it may be repeated in part here. Lasar was in his shirt-sleeves, seated at a table in the centre of the room, with his back to the spies. Their elevation permitted them to see over his head. In the centre of the table was a wooden box, 12 to 15 inches in length, about 3 inches wide and 2 inches deep. Lasar was busy examining the contents of the box, which consisted of a great number of smaller packages, done up in thin white papers, about three inches long. He had a number of the paper packages open, and their former contents, which the detectives saw to be brilliants, were here and there on the table.

At intervals of every few minutes the smuggler would mark something in an open book that lay at his side on a convenient chair, and it is assumed that he was checking off the gems. Fearful of spoiling through discovery some future evidence, the sleuths dropped down the ladder at this point, and the obliging hall-boy took it away.

The big box and its contents disappeared from the hotel that same night, and the following day

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they were placed on sale in New York by Lasar's representatives. Ivy Cruede had Suite 9 at Taylor's Hotel, and it was in trap 9 that the human wolf, Lasar, was caught. He went to the Cruede hostelry from his "immaculate" apartments in the Washington Hotel one night, as usual, and he had hardly entered before the detectives had telephone connection with New York and Brother-in-law Sam Buckner on the other end. It was little or no time before the man at the other end of the 'phone was holding a pow-wow with the detectives in the café of the Taylor Hotel, and again the puissant ladder was brought into requisition.

Lasar was caught red-handed, or anything else that it might be called, and the chariot of air bubbles that the misguided Cruede girl had been riding in was dashed to pieces on the road of wrong endeavors. I was not present at this interesting scene, but from court records I learn that the detectives forced the transom and saw Lasar in a compromising position with the English girl. Sam Buckner afterwards told me that he laughed at Lasar through the transom and asked him if he felt as good as he looked. Which, in my opinion, was like adding insult to injury.

Lasar did not leave Taylor's Hotel that night, but the Cruede girl did, and with the money which the shameless man had given her bought a ticket and started for Europe the following day in the

steamer Germanic. I missed her at the ship by ten minutes. I did not know the woman's name at that time, but I succeeded in getting what I supposed it was from the hotel register in Jersey City. I wanted to go abroad immediately to search for her, but considered, after some hours of quiet thought, that my man was not cooked brown enough, and that it might be a good idea to stand by and watch him frizzle.

So I "invited" him out for a ride on the elevated railroad. While we were humming along in midair he got the impression in some mysterious way that I had him under arrest, and for obvious reasons I did not intimate to him that he was or was not. He was surprisingly communicative, and he went on from one phase of the Lasar matter to another without the least bit of prompting or coaxing on my part. It was not until the "L" train arrived well downtown that I had any intimation that the man considered himself my prisoner. We were approaching the Cortlandt Street station, when he turned to me and said:

"It may seem improbable, but my word once given is sacred with me." I waited to see what he was driving at, and he added: "I want to go to my office on an important matter, and if you give me permission to do so, I pledge on my honor to meet you at the Custom House inside fifteen minutes. I will bring with me a wallet which has \$50,000 worth of smuggled diamonds in it."

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At first, I did not believe that the man would do anything of the kind if I let him get out of my sight, and I was about to say that I would accompany him to his office in Maiden Lane, when he said:

"Do not be afraid of my running away. I would not leave my family for all the prisons in the world. I will be in Collector Bidwell's office inside of fifteen minutes. I swear it."

Since Adam cut his eye-teeth, man has been deceived in man, and I was in Maxwell. Although I acquiesced in his going, I never expected that he would return. As a matter of fact, I was but a few moments in the Custom House when in he came and deposited the promised wallet on the Collector's desk. The latter was as greatly astonished as I was.

That there might be no misunderstanding as to what the man said or did, the Collector had his private secretary, and also his chief clerk, appear as witnesses. This chief clerk that particular time was in charge of the division, its regular head being absent. Mr. Small took down in shorthand everything that the employee of Lasar said.

Maxwell repeated in every detail all he had told me as to his relations with Lasar, the \$10,000 blackmailing proposition of his brother, the history of the divorce proceedings, and, in fact, every minute circumstance of Lasar's methods, socially.

Small did not lose a word that the man said. When he had completed the main portion of his story, he addressed the Collector.

"If you were me, sir, what would you do in this matter?" he inquired.

"Why," responded the head of the Custom House, without a second's hesitation, "if I were you I'd stand by my flag. I would make an affidavit."

"I will do so if you promise me one thing. Under no circumstances must my name appear in the court or elsewhere in this matter. I want a promise in writing to that effect."

It was explained to Maxwell at some length by those present that it was out of the question for a sworn officer of the Government to make any such promise or enter into any kind of a compact of that sort to condone an offense committed against the Government.

"If that's the case, then," Maxwell made reply, "I will not make an affidavit. I will show you these \$50,000 worth of diamonds, which I think were smuggled by Lasar, but they must not be seized. I do not care what you do after I return them to the safe of Mr. Lasar."

While he was displaying the gems, Secretary Small had the statement of the man typewritten, in the hope that he might sign it. When the statement was brought in and read to Maxwell he

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was asked by the Collector if he was correctly quoted.

"Every word in that document is true," said the man in a most dramatic way.

The Collector affixed his name to it first, Mr. Small, the chief clerk and myself following in the order named. It was then turned over to Maxwell for his signature. He was seated at a desk, facing the Collector, at the time. He looked impressively at the signatures, picked up a pen, calmly dipped it in the ink, and laid it down again.

"No," said he, rising and reaching for his hat, "I won't sign that paper. I have no guarantee that I will be taken care of."

With that he went out, wallet, diamonds and all. I made no attempt to follow him. Instead, I hastened to the United States District Attorney, and presented the statement to him. Although we had this strong piece of evidence, signed in the presence of Maxwell, witnessed by four reputable men, and admitted to be true by the informer, the District Attorney absolutely refused to give me a search warrant to make the seizure of the Lasar diamonds.

I even went so far as to seek Maxwell again that morning and bring him before the District Attorney, to whom he admitted that all that was contained in the declaration was true; but the District Attorney said that unless Maxwell made a

deposition to that effect it would be illegal for him to issue a search warrant. Maxwell again left, but I remained behind and pleaded all that day with the District Attorney to grant me the necessary paper. It was 5.45 that evening when he finally did so.

Lasar's fear of divorce proceedings now being relieved by the absolute institution of the same, he no longer was afraid to visit the metropolis. He had lots of backbone in this instance, and was determined to brazen it out. It was within a few minutes of six when I reached the doorway of Lasar's business place. I had previously telephoned to the Collector that I was likely to make the seizure that evening, and asked him to wait at the Custom House until I had brought the stuff in.

As I was entering Lasar's door I ran up against Maxwell, who was coming out. I thought that he was treating the department honestly enough, but to make sure that he was not taking away any unnecessary wallets, or the like, I touched his person in a convincing way. He seemed to be over-solicitous about what I was doing there at that hour, and he suddenly said:

"My! I left an important letter on my desk. I must go back and get it."

"You can come back here to-morrow morning," I said, blocking his way. "I do not intend to let you return upstairs until I have come down."

I expected he would resent a censorship of this

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kind, but to my surprise he said, rather meekly, I thought:

"Very well, then. The letter can be posted to-morrow just as well. Good-night."

I followed him to the corner without being observed, and saw him board an uptown car. I wanted to make sure that he did not attempt to use a nearby telephone to warn whomever was in his office that I was coming. I had but one stairs to climb when I returned to the entrance. I did not expect to find Lasar there, but there he was, sure enough, and between him and me there stood a tall, iron-barred fence that reached nearly to the ceiling and which, as I subsequently discovered, had a spring-lock door for admittance to the sacred chamber of brilliants, duty unpaid.

I took in the whole room at a glance. There was a safe ten feet high and some six feet wide in one corner, and in front of this, which was open, sat Lasar, with a pile of drawers on the floor and on chairs about him. He had his back to me as I entered, and did not turn around to see who it was that had come in. He either had the confidence that successful criminal operations give a man, or he imagined that it was Maxwell who had returned.

I took in the strong, burly figure of the smuggler, and in the same instant observed that there were two other occupants of the office, a boy and a thin young man, who I afterwards learned was

Armstrong. The furnishings of the place showed taste and means, but with that prison-like barrier between us I realized that it would be impossible to get at Lasar unless I had the open sesame of that modernly applied door, and I said on the impulse of the moment:

“How do you do, Mr. Lasar?”

He turned around quickly, but not in time to prevent the little office boy, who believed I was a friend, from pressing a spring that released the door. The next instant I was within the charmed circle and closed the door behind me. Armstrong, who knew his master better than I did, must have seen an odd expression as he arose to greet me, friend or foe he then knew not.

“What can I do for you?” queried Armstrong, advancing before his employer could speak.

“You can do nothing for me,” I said to him, quietly. “My business is with Mr. Lasar.”

I still think that Armstrong believed my intentions were to rob the place, but, after looking me over carefully, he glanced hurriedly at the drawers scattered about the floor and chairs in front of the big safe, and walked a few feet away. I did not waste any words upon Lasar. I did not have to, because I knew him well from sole to crown top, but as he had never seen me before, so far as he knew, he said:

“I do not exactly place you.”

“You are Max J. Lasar!”

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"Yes; what is it you want?"

I told him who I was, produced my search warrant, and read it to him.

Lasar had a complexion like that of an Indian. Notwithstanding this, his face turned the picture of death as I read the legal document to him. I kept edging my way over to the open safe as I read. He dropped into a convenient chair and hung his head in his hands. I never saw a man go to pieces as quickly and completely as did he.

Armstrong, though small, was as gamey as any man I had ever seen, and in his loyalty to his employer, I think that he might have sailed in for me if given the word. I waited for Lasar to recover his nerve, and the silence that ensued while he was pulling himself together was painful in the extreme. He was a man of about forty-three years of age, as strong as an ox, and as good-looking as a perpetual frown would let him be. He must have buried his face in his hands for fully five minutes, but he finally looked up and said:

"I will show you everything I have here."

"No," I made reply. "I do not require your aid. I want to be left entirely free in my search."

This I proceeded to do. I dived into the drawers and into the compartments of that safe, and succeeded in collecting four wallets of diamonds that were afterwards appraised at \$57,000. I also came across a wallet that contained a lot of tissue

or diamond papers. The latter had innumerable marks on the left-hand corner and upon the top, and also on the inside of the wrapper. I knew that these papers had contained diamonds, and I took possession of this wallet and its contents.

I made a package of the whole lot, sealed it in the presence of the smuggler, and told him that its contents were in the possession of the United States Government, which I represented. He asked me what I intended to do with them, and I said that the Collector was waiting for me to return, and that I would turn over the property to that official. Then he asked if he might accompany me to the Custom House, and I said that it was exactly what he should do.

We arrived at the Custom House five minutes after leaving the smuggler's den. The Collector had detained his private secretary at the office in the event of my mission being successful. I said to the Collector as I entered:

"This is Max J. Lasar. He says these are his diamonds. They were smuggled into this country, and I have seized them."

Lasar, who had entirely recovered from his surprise, said:

"What building is this?"

"This," responded the Collector, "is the Custom House, where all honest merchants pay their duties. If you do not know what building it is, it is high time you did. These goods are now in the

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hands of the Government. Mr. Small, give this man a receipt for what we have here." This was done, and Lasar left.

To cultivate the distinguished acquaintance of Morris Lasar, the brother of the smuggler, it was necessary to drink a good deal of his bad rum. It did not leave any permanent injuries, which has puzzled me to this very day. Accompanied by a Government employee, I made many excursions to the Pavonia Hotel, and we got on terms of dear companionship with the man who had blackmailed his own brother. He never suspected who we were.

We learned a great deal that was valuable at his place, and what we did not find out there was supplied elsewhere. When sufficient evidence was garnered, it was decided to arrest Max J. Lasar, his brother, and the latter's wife simultaneously. I insisted upon accompanying the Deputy United States Marshal when he corralled the saloon keeper. I wanted to be present when he was brought into Ludlow Street Jail, that I might search him personally.

I was convinced that, knowing the mystic signs on diamond papers and the like, I would be able to get incriminating evidence that might otherwise escape the ordinary searcher. The District Attorney was surprised at my request, and said something about the irregularity of the thing, but I pleaded with him, and he finally said that I

might go with the marshal. Another object in my being on the scene was that I did not want Brother Lasar to meet his wife when she was brought in from her 79th Street house.

When we appeared in the saloon, the saloon keeper started to go behind the bar the moment I stepped in. I called upon the marshal to prevent him doing so. This official showed his authority and commanded the man to come from behind the bar, which he did. He then placed him under arrest. Lasar was fighting mad over it, particularly as the saloon was crowded, but he cooled down when he had taken several long drinks of whisky, and asked the marshal if he might not go behind the bar to get money and cigars. The officer would not let him do as he requested, however, but said that anything that was wanted he would personally have passed out. Brother Lasar then inquired:

"Well, may I go to the safe and get something there?"

This safe rested outside the bar, and was about four feet high and several feet wide. The marshal turned to me, and I said that there was no objection to his doing that. The man then walked over to the security holder, and after fiddling away at the combination for what seemed to us to be an interminably long time, he swung its door back, opened another door inside and pulled out, shades of Marvin! a heavy overcoat. The mar-

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shal whistled. So did several of the customers, who by this time had become aware that the man was in the custody of a Treasury official. I helped Lasar on with his coat, and he cursed me under his breath.

"Better leave your private papers here," said one of the bartenders in a solicitous tone. "Take another good hooker before you go."

The pseudo boniface ignored the requests of his understudy and, buttoning up his coat, said:

"Now, gentlemen," with an unmistakable inflection on the noun, "I am ready to see this game of yours through. And I want to say, before we start, before you squeeze any information out of me I'll see you in hell, with your tongue hanging out."

It was not refined talk, but we were in a bar-room, where that kind of language was popular. As soon as we reached the street Lasar, with a sarcastic curl to his lip, said:

"They tell me that this chap, Uncle Sam, has barrels of money. If I am going to the Hotel de Ludlow, as I suppose I am, I want to go in style. Please order a cab, and one of you chaps may sit up with the driver. It is either a cab or a stretcher. Which shall it be, my bold custodians?"

The last sentence was with a mock bow that caused some of the hangers-on, who had emerged from the saloon to see us off, to roar aloud. The

brother of the smuggler was certainly enjoying himself at the expense of his captors, and it cost Uncle Sam something, too, for we hailed a cab. Lasar was as garrulous as a magpie *en route* to the jail, but I considered his loquaciousness due to bad whisky and a desire to annoy the marshal and myself.

We arrived at the jail while he was berating the Government at a great rate. Captain Prankard, the warden of the prison, met us as we came in. I gave him the particulars of the arrest, and when Lasar was asked several stereotyped questions he answered them in a way that left the impression that he had been drinking. At least, that is what Captain Prankard thought. I knew that he was acting. He woke up as fresh as a June rose, however, when I said to the warden:

"Captain Prankard, I want to search this man. He may object to my doing so, but I think he has something on his person that is of value to the Government."

Lasar turned color and, quickly recovering himself, said:

"Search me as much as you damn please. I'll even help you to search. I'll remove my overcoat to make things easier for you."

He took off his topcoat and laid it on a chair at the end of the captain's desk. Feeling satisfied that the removal of the coat was a ruse, and that it was a strange custom for a man to make

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a wardrobe of his business safe, I made no attempt to touch the topcoat until I had carefully examined the remainder of the clothes that he wore. When I had presumably finished, he said:

"Well, I trust you are satisfied," and he moved one side to pick up his overcoat.

"Far from it," I made reply. "I want to examine this coat, that is considered valuable enough to lock up in a combination safe."

"There's nothing in it. I swear there isn't," the man shouted, trying to get between me and the garment.

"That's a question for us to decide," said Captain Prankard, restraining him.

One of the inside pockets of the overcoat revealed the existence of a paper that was of illimitable value to the Government. It was of the double foolscap variety, and was nothing more or less than the original stock sheet of every package of diamonds imported by Smuggler Lasar through the intervention of Sarah Lasar.

The paper was turned over to me for safe keeping, although the prisoner insisted that it belonged to a friend who had talked of opening a jewelry store, and for whom he had prepared a list of diamonds that would be necessary to put on sale. It was purely an imaginary list, he added, when Captain Prankard smiled. I paid no attention to his protestations, being too busily employed in going over a collection of papers taken from other

pockets of the topcoat. From the mass of riff-raff I selected two letters written, respectively, from the Windsor and St. George hotels, Montreal, and signed by his wife.

Saloonkeeper Lasar was cutting up at a great rate about the irregularity of the whole proceeding, when an official walked in and whispered something to Captain Prankard.

"Fine," I heard him say in an undertone, that Lasar might not hear him, adding, "Bring her in when we have got rid of this prisoner. Lasar was then locked up, and he had hardly disappeared through one door when his wife, in the custody of another marshal, was escorted into the warden's room through another. She demanded to know why she was brought there, and I explained in detail. She certainly seemed surprised, and though I may be wrong, I cannot help thinking to this day that she was under the impression that she had been arrested for another offense, of which we knew nothing. She smiled when I told her of her connection with Max Lasar.

"It is too silly even to discuss," she said in a supercilious way that was entirely at variance with her station in life. "I demand to be released immediately. My husband will make it pretty warm for you all when he learns of your shameful treatment of me."

A burst of tears followed, and a silence that was interrupted only by her sobs and wails of

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indignation came next. At last she was beside herself, and asked if she might write to her husband to come and give bail for her. Captain Prankard produced a sheet of paper and an envelope. Both had the official heading. Mrs. Lasar then took a seat at Captain Prankard's desk and wrote a note to her husband, addressing the same to his downtown saloon. She was then locked up for the night.

It did not require the eye of an expert in handwriting to decide that the two letters found upon the person of Brother Lasar and the one written by Mrs. Lasar at Captain Prankard's desk were the production of one and the same person. This fact was established at the trial. Neither wife nor husband was aware that the other had been arrested until the next morning, when both were arraigned in the Federal Building before the U. S. Commissioner. They were held for the action of the grand jury, and bail was furnished by their friends.

The conviction of any of the three meant the downfall of all, and none recognized this quicker than the smuggler himself. He likewise had a keen realization of the importance of obtaining the best legal talent; so he lost no time in retaining as counsel Judge Daniels and Frank Livingston.

As it was the custom from time immemorial for an individual to bond merchandise under seizure, the Government gave the smuggler the privilege

to file a bond for the value of the goods in question, the only stipulation being that the Federal authorities retain about \$6,000 worth of diamonds contained in three parcels which, it was absolutely known, had been illegally brought in.

Lasar furnished a bond of \$115,000 that he would return, on demand by the Government, the remainder of the property affected by the legal proceeding. It was plain from the very start that he intended to badger the authorities, and make them assume the burden of proving that the goods were smuggled.

It should not be assumed from the last sentence that the smuggler intended to rest on his oars and permit the Government to search with scientific curiosity undisturbed. He was never an idle man, not even in love-making, and he believed in the old maxim, "For dogs that bite short chains are right." He thought it was possible to place barriers in the way of his prosecutors by employing sleuths to follow the enemy's sleuths, and to his credit let it be recorded that he did his "duty" well.

Always ready to give away a dollar, a member of countless secret organizations, a good storyteller, when his company did not mind the quality of the tales, Lasar had made many friends here and abroad, and when he scattered the news broadcast that the big Government of America was trying to persecute him for an imaginary wrong,

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there were scores to jump into the breach in his behalf.

With the bonding of the seized goods, the District Attorney suggested to the Treasury Department that I be sent to Europe to secure evidence to be presented to the grand jury. I went over in the steamer St. Paul, and although I knew it not, there was a detective at my heels. I had gleaned the information before Lasar's rounding up that considerable of the seized goods had been purchased of a well-known exporter of Amsterdam. I had no sooner reached the country of dikes and dams when I became aware that I was being shadowed, and furthermore, that the sleuth was invoking the aid of the friends of Lasar in that country to stay my progress.

Isidor Soloman, of Amsterdam, was the merchant who sold Lasar a great many of his gems. Soloman was as honest as Lasar was a rogue. I made no pretense of interviewing him for some few days following my arrival in Amsterdam, for I was afraid that the other "fellow" might also find him interesting. But I reached his place by a circuitous route one afternoon, without being observed, and showed the merchant three diamond papers which were empty when the seizure was made in Lasar's place. Soloman recognized them at once as being diamond papers prepared by him, but said that it would be necessary for him to consult his books to decide to whom he

had sold their original contents. I had simply told the merchant that I was a Treasury agent from the United States, and that I was authorized to ask questions affecting the sale of the diamonds that the papers had contained, but that he was not bound to answer them. The name of Lasar had not been mentioned by me. He went to his safe and brought out a giant ledger, over which he pored for some minutes. He returned presently to where I was seated, and said: "These papers were wrapped on diamonds that I personally sold to a Max J. Lasar, of New York City."

It was then four o'clock in the afternoon of Friday, January 15. I told Soloman that the goods had been smuggled, and that they were seized. Would he come to America as a witness? Well, it would give him great pleasure to go, particularly as he had heard so much of that great country; but that he was under big expense at home, and could not afford to make the trip. Go at the expense of the American Government? With the greatest of pleasure. All he had to do was to pack a grip, kiss his wife and family "adieu," and turn his business over temporarily to a near relative.

I felt some misgiving that the man would flunk at the last minute, or that the opposition might turn up at the most critical moment and throw him a significant wink; but the unexpected happened, and at nine o'clock that night, or five hours

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after I entered his establishment, Solomon was on the train with me to take the boat to cross the English Channel for London. I had caught the sleuths napping, and for the time they were wide of the trail.

It was five o'clock on the morning of Saturday when we reached London and embarked on a train that took us to Liverpool. At five the same afternoon we were on the Cunarder *Lucania*, passing down the Mersey, with good old Sandy Hook as our destination. Solomon did not fully realize what he had done until Crosby Lightship, outside Liverpool, began to fade in the distance.

I really believe that he would have taken French leave of me and the ship at Queenstown, where we called, had I not kept his mind away from his family and buoyed him up with cheap talk as to all there was in store for him when he reached New York. He was a brave man, as well as an honest one, as I have already said, and though he afterwards admitted that he was more than half inclined to show the white feather, he had given me his promise and meant to stand by it, come what might.

"It was well, however, that you did not leave me out of your sight about the time we called at Queenstown," he afterward remarked.

Solomon proved to be a most important witness for the Government. That he was coming in my company was ascertained by Lasar and his coun-

sel several days before the *Lucania* reached the North River. The sleuths, who had lost the scent and rediscovered it too late to interfere with our sailing from the other side, had brought the submarine cable and a code book into requisition, and our coming was heralded in that way.

The Dutch exporter of precious stones was too dangerous a man to have knocking at their door, and he was not twenty-four hours in Manhattan before it was evident that the private detectives, employed by somebody or another, not hard to guess, were trying to approach him. It was just this way. There were many other smugglers in the metropolis in addition to Lasar, and if the latter was to go down as a result of any exposé on the part of the Holland merchant, there was no limit to what else he would tell or whom else he would drag down.

So, figuratively speaking, they set private signals saying, "Let us stand together for mutual protection," the same as a fleet of pirates of the Spanish Main used to do years ago, when they were liable to attack by some busybody warship.

That there might not be any leak or miscarriage of justice, the Collector, acting upon the advice of the District Attorney, employed a detective who could be absolutely trusted with the welfare of an important witness like Soloman. The new Government sleuth had a pretty time beating off the wolves and black sheep of the Lasar

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fold; but, as they could not buy the man, he never permitted them to get within hailing distance of the Holland lamb.

While the private detective was protecting the Dutch merchant, I was busy in Montreal getting additional evidence against the gang of smugglers. It was an easy matter to obtain this. Smuggler Lasar and his helpful sister-in-law were daring to a degree, but, like the majority of swindlers since the Dark Ages, they were perfectly satisfied that they were too clever ever to get their pretty fingers burned by the Governmental fire, and they failed to cover certain tracks that led right up to their front door, so to speak.

The hotel clerks at both the Windsor and St. George hotels in Montreal did not hesitate a moment when I asked them all about the movements of the couple while they were guests at their respective establishments, and, in addition to getting valuable depositions from these connoisseurs of good stories and diamond-bedecked shirt-fronts, I took possession of the registers of both Canadian caravansaries which showed the signatures of the two Americans in question, the time of arrival of each, and the length of stay of both.

The Dominion Telegraph Company was not willing at first to give me any information as to the telegrams that passed between the Lasars and others, but a secret diplomatic appeal caused the company to turn over to me copies of all telegrams

sent or received by Max Lasar. These telegrams helped materially in completing the Government's case when the proper time came around.

Evidence against the entire crowd was, for that matter, coming in so fast at that time as to make it most difficult to keep up with the entire collection of proof, but the two star witnesses were then in the wings waiting for their cue to take the centre of the stage, and how they did it and captured the good graces of the house are to be told in the next chapter. One of the players, Ivy Cruede, has already been presented to the audience, but the other, Thomas Nuttall, being a stranger, will require a little introduction.

## CHAPTER III

NUTTALL was a little Englishman with a big memory, a ready ear and a penetrating eye. He should have been a lawyer or a doctor, but he was simply a steward who made twelve round-trips across the billowy Atlantic each year, and he saw precious little of his cosy home at Birmingham or of his bonnie family there. Nuttall might have been undiscovered by the United States Government and might never have taken a leading part in the cast of a great international play had he not happened to be the steward for Max Lasar during the trip of the Dominion Line steamer Labrador between Liverpool and Montreal.

Being cognizant of the fact that it might be well to interview the bedroom steward that Lasar had on his last and famous trip with smuggled diamonds, Collector Bidwell sent me to Montreal to meet the Labrador, which, about that time, was supposed to be due there. It was in mid-winter, and at Montreal I was told that during the cold term the Dominion Line was obliged, because of ice in the St. Lawrence River, to make Portland, Maine, its last port of call.

I found the Labrador at Portland and had an interview with her commander, who immediately sent for Nuttall. In the presence of the captain I told the man what was wanted. He said that he knew Lasar very well. The master of the ship asked what was desired of the steward, and I replied that the Government required his services as a witness.

Being an English ship, and realizing that Nuttall was not obliged to say a word unless perfectly willing to do so, or after intricate diplomatic arrangement between the two countries, the master of the Labrador called the steward's attention to that fact, and inquired if he was willing to go with me as a witness. Without a second's hesitation Nuttall replied that he was. His discharge papers were at once made out, he received his pay, and the next train out of Portland was carrying us both to New York. This was Nuttall's début to a metropolitan audience, and he proved to be a star actor from the drop of the hat.

Changes in the administration of the United States District Attorney's office for the Southern District of New York occurred at this time, and General Wellington was appointed to the position by the late President McKinley. It took some little time to make the new incumbent acquainted with the details of the case, but he fell into it with great vim when I suggested that it might be wise to seek the woman who was a fellow-passenger

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with the smuggler when he brought the large shipment of diamonds with him. I gave him her name and furnished an address at which I supposed she could be found.

A special agent of the Treasury Department was about to go abroad on other matters, and he was instructed to locate Ivy Cruede in the outskirts of Liverpool. This agent had too many responsibilities on his shoulders when he reached England and was unable to devote the necessary time to finding the former ocean companion of Brother Lasar. He cabled that fact to this side, and Special Employee William H. McCormack was told to buckle on his armor and go in search of the little, misguided English girl, who could tell much if she would.

McCormack, who is since dead, was the best of good fellows, and as keen in some things as the tongue of a costermonger in Whitechapel. He lacked one essential, however. He was not cautious, and he was always as secure as a harbor buoy in the belief that a business rival would have to arise mighty early to get the better of him. This over-confidence, pardonable in this particular instance because he had been eminently successful, made him trust some people more than he really should have. The man was a glutton for work. He was never in the way when not wanted, and never out of the way when wanted.

The Government, so far as the Treasury De-

partment was concerned, rested serene in the knowledge that it could lay down its very life in depending upon "Billy" McCormack.

McCormack had been specially warned to be on his guard against the hired staff of Max Lasar. He simply curled his lip in derision, and said that some in this world were given to the luxury of fretting.

"I should like to get the measure of the man who could dog me around without my getting his bearings," said McCormack in a flippant rather than a boastful way. "I'd give him the finest suit of clothes to be found in Paris."

This was said the day before the departure of the ship that was to take him to Liverpool in search of Miss Cruede. Right at McCormack's heels as he ascended the gangplank was a man who was destined to spoil the programme of the Treasury Department agent. McCormack did not know that he was being followed and that his shadower was one who had several times before come under the watchful eye of the customs officials.

This individual was David Gold, as crooked as a flash of forked lightning. I had drummed up an acquaintance with Gold in March of 1897, when, as a passenger in the steamer St. Paul, he was detained on suspicion and a parcel of diamonds found in his old clothing. Reviewing his relations with Lasar at this late day, I am inclined to believe that he had as much reason to keep Ivy

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Cruede in the background as did the arch-smuggler of the lot. Right or wrong in this belief about Gold, he certainly burned midnight oil scheming to keep McCormack from Ivy Cruede.

The moment that McCormack reached Liverpool he placed himself in communication with the chief of detectives in that city, and never for a moment, as has since transpired, did Gold lose track of his man. It took McCormack and the English police forty-eight hours to find the English girl, and when they did, Gold was as wise as were they. It was midnight when McCormack located his quarry, and he found that she had been making her living for some months painting pictures. It was not a very profitable business, judging from what she told her visitors, and she readily agreed to go to America, starting, as she planned, the first thing in the morning, which was Saturday.

McCormack was to engage passage for her in an outgoing Cunarder and to deliver the ticket to her at her apartments the following morning. McCormack, having some other business to perform abroad, told the woman that she could go over unaccompanied. To this she readily acquiesced, and to all outward appearances the programme was as cut and dried when McCormack left her that night as plans of man could ever be.

Had McCormack watched that house all night, as he should have done, he would have seen a Maiden Lane diamond merchant by the name of

Gold steal slyly into the house of Ivy Cruede; would have seen the misguided woman leave her apartment in the company of the man, who then carried a valise that he did not have when he entered there; and he would have observed that the first London-bound train that left the station in the small hours of that Saturday morning took the couple away.

But "Billy" McCormack was honest, and he believed that the English girl would keep her word with him, and in this he was deceived. When he went to the apartment at the appointed hour that Saturday morning, the bird had escaped from its cage. He cabled to this side that the woman had disappeared and that other business prevented his making an extended search for her.

Miss Cruede certainly had ample reason to regret her flight with Gold. The full-fledged scoundrel, who still holds his head high in New York business circles, engaged a suite of rooms for the girl upon their arrival in London, abused her in the most shameful and cowardly way possible, and finally, learning that McCormack had abandoned the search, threw the unfortunate girl upon the mercy of the town. Such, then, was the character of the friend and confrère of Smuggler Lasar. But we will hear more of Gold later. Sufficient unto the day is the evil thereof.

During McCormack's absence in Europe I had busied myself in an endeavor to get possession of

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a dress that Mrs. Morris Lasar used to wear during her visits to Montreal. It was made like an ordinary costume, except that the skirt at its lower part, towards the middle, had a row of little pockets sewed in on the inside. Into these pockets she always placed the packages of diamonds that Brother-in-law Lasar gave her. The contents of the pockets were protected and held firmly in place by a stout lapel secured with a button.

Mrs. Lasar may be surprised to learn that I examined this skirt at will during her absence from home one day, and that I subsequently had it, contained in a stout paper, under my arm ready to carry away; but—well, somebody weakened, and I do not think it was me. That was the last I ever saw of it, try as I did to get it from the house, and I am led to believe, in view of previous efforts on his part, that perhaps Hotel-keeper Lasar buried it in one of his several cellars. The knowledge of the loss to the Government of this skirt, and the news from London that McCormack had tripped up in his exploit with Ivy Cruede, coming as they did almost simultaneously, were very depressing, to say the least.

It was at this critical point that the Treasury Department, through General Wellington, decided to send me abroad to hunt up the missing English girl. At that time Assistant District Attorney Denby was in Europe on some government matters, and I was instructed to consult with him on

my arrival abroad. I went over in the steamer St. Louis, arriving August 14, and from Plymouth cabled to Major Williams in Paris to place me in communication with Mr. Denby.

After many apparently insurmountable difficulties, I at length succeeded in locating Ivy Cruede, living in London in a furnished room house on Great Russell Street, in rather a good neighborhood. I called there one evening and was told that Miss Cruede was out. I held a council of war with a street lamp at the nearest corner and decided that Miss Cruede was not out and that I must see her. In response to my second call a little maid, who dropped her h's all over the floor, smiled sweetly when I slipped a half-crown into her hand and said that she would do her best to deliver a message to Miss Cruede. "Say that a friend from Liverpool wishes to see her," I bade the maid, as I was ushered into a cosy reception-room. I do not know what merit there was in "that friend from Liverpool," but the message acted like a charm, and soon there was a pitter-patter of small feet, and the tiny maid returned with beaming face to tell me that Miss Cruede was at home and would be down presently to see me.

I was taken somewhat aback as she entered the room. I had expected to find a pretty girl, such as was described to me, and in that respect I was not mistaken; but the slim, good-looking girl that entered the room was clearly in great financial dis-

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tress. She wore a little white duck skirt that was torn in several places; over this was a calico shirt-waist, spotlessly clean, but much the worse for wear, and her tiny feet were encased in a pair of shoes that were broken in every part. My heart bled for her the moment I took in her miserable appearance. She had evidently just been sewing, for several remnants of cotton thread hung to her skirt.

The unfortunate girl made a move to back from the room when she saw that I was a stranger, and doubtless imagined the worst—that I was another of the breed of contemptible human dogs that she had met at various times within a few years, and that, like these passion-driven band of free-lovers, I had suggestions to make that would never be fulfilled. So I said to her before she managed to get back as far as the door: “Miss Cruede, I have come to you from America to get some information about Max J. Lasar. Will you give it?”

Her face turned red immediately, and her eyes, usually large, grew so big that I thought they would pop out of her head. She seemed unable to talk for the moment, but presently she said:

“Did you say Max J. Lasar? What information do you want? Is it for or against the man?”

“It is decidedly against him,” I made reply. “You can tell me a great deal if you will.”

A strange look came over her face. It was not a vindictive look, but it meant much, whatever it

portrayed. There was a pause of some seconds, and I could see that the woman was going through the fire of an internal disturbance. Presently she said, half to me, but chiefly as if communing with her own soul :

“He treated me like a dog. Why should I stand by him? What is it you want to know?”

In a few words I told her what the American Government had done and what it knew. At the conclusion of the recital of the arrest of Lasar and the divorce of his wife, the woman said that if she were compensated and taken care of she would be willing to go to America and tell all she knew. “But,” said she at this point, “how do I know that you are unlike some men that it has been my misfortune to meet?”

“Simply enough,” I rejoined. “I will engage a woman to act as chaperon to you.”

“That will be entirely satisfactory,” said Miss Cruede. “I will take the first steamer that you select.”

There was something about the woman that convinced me that she could be trusted. I had every reason to believe, without letting her know, that she had been accustomed to receiving the wrong bite of the apple, and, although I then knew her not except by reputation, I felt convinced, after looking her over at length, that if she pledged her word she would stand by it.

To make sure that Miss Cruede would not be

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spirited away by the emissaries of Lasar, I secured the services of two of the best men that Scotland Yard could afford. I shall never forget these two men. One was a strapping, big Irishman, six feet two inches tall, who was formerly of the Queen's Guards. He had a wealth of brogue and the wit of Sam Weller. His associate was a stumpy, red-faced Englishman, who learned his knowing ways as a youth on top of an omnibus that he drove. He was of the Cockney type, and was forever disagreeing with his companion as to the proper way for conducting the business of a modern sleuth. I cannot furnish the name of either man, but we will call the Irishman Barney O'Day and his partner Albert Palmer, which is not far from the real thing. O'Day had the barrack-room fluency of the great Mulvaney, and, like that distinguished soldier, was forever finding fault with himself, his business and his surroundings. He didn't relish the detective business, he frequently said, and, copying Mulvaney, added in an apologetic way that "it is mate an' dhrink to me, bekaze I'm wan av the few that can't quit ut."

These remarks used to anger Palmer, who considered that Scotland Yard was the hub of the universe and that thief-catching was the special license of the brainy man.

I had recounted the "peculiarities" of Miss Crudee to the men several times before O'Day

broke forth with an opinion. He said, after he eyed me over most carefully:

"Av course, the 'uman's onprincipled. I niver saw wan that wasn't. 'Tis blayguards they all are. Aven me pore ould muther had her wake-nesses. 'Tis none av me business an' not impert'-nint, but yere in luv wid the 'uman, I take ut."

I did not satisfy his curiosity on that score, although I repeated that my only ambition was to get Miss Cruede across the ocean to serve as a witness. Seeing that I was not likely to make my story dovetail with his belief, he finally said:

"Ye're honust, I dare say. Ut's meself that's tinder-hearted 'nuff to say that. Ut's nothin' to me, though. Phat's the use av digresshin'?"

O'Day and Palmer ranged themselves in a convenient berth a short distance from Miss Cruede's lodgings, and were soon observed by everybody in the neighborhood. They presently agreed that it might be better for them to try another system of watching their quarry, and Palmer went away. He was gone about a half hour, when up from the nearest corner came one of the grimest-looking bootblacks that ever walked English streets. The tall Irishman no sooner saw the ragged knight of the brush than he walked hastily off in another direction.

"Boots" settled down to a comfortable anchorage on a brownstone stoop almost diagonally across from the dwelling of Miss Cruede. He was

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a fat, greasy-looking bootblack, but seemingly happy, for he whistled and hummed as he picked at his black fingers or overhauled the paraphernalia of his box. He was there a full hour, when he was joined by a "boy" who had a bundle of newspapers stuck under his arms and a dilapidated cap clinging to the back of his head. The "boy" was clearly overgrown, and cut quite an odd figure as compared with the diminutive, though stout, bootblack alongside him.

"I must be a laughin' shtock," ventured newsy, with a great roll of the Emerald brogue.

"More like a bally hidiot," said Boots. "A regular, bloomin' scarecrow, Hi'm thinkin'."

"Ye dhirty son av a clodhopper!" said the other. "Go wash yer homely mug. Ye're a dish-grace to the professhion."

At that moment the figure of Miss Cruede was seen emerging from the door opposite, and with a cautious "phist!" the newsboy hurried from his companion, and before the young woman had reached the foot of the stoop the bundle of rags and newspapers was at her side. The next instant Boots, on the opposite side, saw that the newsboy was in conversation with Miss Cruede and that he was pointing significantly in his direction.

"'E's hoff 'is 'ead," soliloquized the bootblack, his face absolutely turning pale through its cover of grime and black. "Poor Barney!" he continued half aloud, "it's bally mad he is."

"Shure, miss, 'tis a bad, dapraved gossoon is he," the tattered newsboy was saying to the young woman, as with closed hand he indexed with his thumb over his shoulder in the direction of the bootblack. "He's a hired murderher. A fri'nd of his phat knows yere swate colleen face has waxed his dhirty fist to kape an eye on yer. 'Tis yer loife they're after. Go back beyant that dure an' don't stir out fer the rest o' the night."

"Do you mean to say that I am watched?" inquired Miss Cruede, backing away from the giant "newsboy" and making no attempt to disguise her surprise.

"Watched, is it?" rejoined the human rag-shop. "Yerra! Bad luck to me pore ould blind aunt if ut's not blud they want. Acushla, 'tis the thruth I'm tellin' yer. I'm yer fri'nd, be all that's howly, 'pon the vartue o' me oath. Yer raly nade a fri'nd. Bechune me an' you, 'twill be a sorry day fer yer if yer don't stay indures this blessed night of our Lord. Begor, that whippersnapper beyant will trate yer loike a pore, homeless hound while you'd be saying thropsticks. He's wurst thin a furriner. Don't ax me no questions. I don't know phat new divilment he'll be up to nixt. I'd rather thrust a perfumed jook thin him. Don't raison it out. Go back to yer bed, alanna. God be wid yer, a hundred times. And may His Blissed Mother pur-teet yer from that shupporior company beyant. The Dublin jackeen! Some day he'll be dancin'

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'pon nothin'. Pleasant dhreams to ye, me sweet colleen. Don't shpake a word, 'uman. Go back. Lave him ter me. Be hivens! I'll give him a clout phat'll hould his breath fer the nixt tin years."

The next moment Miss Cruede was ascending the steps to her lodgings and the "newsboy" was rubbing his palm against a half-crown that the young woman had given him.

" 'Tis tuppence of Scotch fer me," said the newsboy, as he joined the bootblack on the other side of the way, first seeing, however, that Miss Cruede had disappeared from view.

"Is hit mad you are?" inquired Boots. "What did you say to 'er?"

"Aisy, aisy, me laddie buck," said the newsboy. "Kem down ter the Rid Lion wid me, yer dirty whipster. 'Tis a bad character yer have wid that gurl. Whisha, but ye're a d—n black schoundrel! How the byes will laugh when I tells thim. Och, wirra, wirra! 'tis sublime. A grate sacret I've ter tell yer. I wondher who tould her phat an ould villant yer are? Kape yer timper whin I talk ter yer! 'Tisn't by book l'arnin', but by honest labor that I won me fame. Gibberish, yer say? Scotch, say I. Aisy got, aisy gone. Shure, the stuff's chape."

The Irish detective kissed his hand to the mute front door of Miss Cruede as he continued:

"The onprincipled brazen-face! It's addiyou,

not O revwar, me gurl. Quare how silent yer are, Palmer!"

The English sleuth was indeed disinclined to conversation. He was accustomed to the oddities of his associate, but he questioned his judgment in this matter. At length he said:

"You spoiled the whole bloomin' houtfit this time. What in the name of 'Arry did you do hit for? She'll tumble now, sure, with your bally blarney."

"Me pore, misguided omadhaun," rejoined the Irishman, "don't preshume to know anythin'. Thumble, is it? Nabochlish! I hev her frightened out o' her loife. Ye're a blud-dyed cutthroat—that's phat yer are. She'd sooner thry ter shtand on her head thin mate yer this night. Ye're perfectly incorrigible, that's phat yer are. Yerra, but ye're a decomposed egg. Yer bad reputathion saves that good 'uman. I'll kape an eye on her fri'nds, though. Let's furst get a dhrink."

And the Irish detective and his pal went down the street towards the Red Lion, the big son of the Emerald Isle humming as he went:

"A thrate, a thrate, if of the best,  
We hope in heaven your soul will rest;  
But if you give it of the small,  
It won't agree with our boys at all."

Barney O'Day was not half as insane as Albert Palmer thought. Several times that night, while

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both were watching from "across the way," a dapper-looking "furriner," as O'Day described him, rang the bell to Miss Cruede's lodgings and, as he subsequently learned, asked for her. She pictured the bloodthirsty wretch whom the good-hearted newsboy had pointed out to her, and, not being particularly anxious to cultivate the acquaintance of an undertaker, as she supposed, remained indoors until I came and took her away from those who wanted to make a plaything of her. Barney O'Day may be considered crude in his work, but a better "poluss" never drank liquor in the Cawstle cellars. Goodness only knows from what he saved Ivy Cruede that night. Like Ortheris, I frequently "sigh for London and her rotten smells" that I might again see Barney O'Day.

\* \* \* \* \*

I take pleasure in stating that my original impression of Miss Cruede's sense of honesty was in no way lessened by time. If anything it was improved. She was loyal to her word right to the very last. Before I left the woman the night of our first meeting I gave her a sufficient sum of money to purchase clothing necessary for the trip. While she was doing this I went about in search of a chaperon. Of the latter I cannot say too much in praise.

I am under a solemn obligation to the woman, and to the Government as well, not to reveal her name. Let her, for the sake of convenience, be

known as Mrs. Castleton. It is in the hope of repaying in a small way the many acts of kindness of the woman that I here say of her: There never lived a more faithful woman, a purer-minded woman or a more loyal friend. Stacks of money were used by the enemy to bribe the English chaperon into "losing" her charge. Her life was even threatened by the friends of Lasar, and spies and detectives hounded her every step, until her very existence became almost unbearable.

Mrs. Castleton had the patience of a lamb, but she likewise had the tenacity of a bull pup when she made up her mind to protect the motherless English girl, and she did her duty willingly and well. It is not necessary to detail the many sacrifices that she made, nor is it essential to tell how Miss Cruede was quick to recognize that she had at least found a true friend in this noble woman. Much may be skipped in the recital, including several unpleasant incidents during the trip to New York in the steamer Cymric.

Our coming threw a thunderbolt into the camp of the opposition, but we were not ten hours in the metropolis before there were half a dozen Hawksaws hot after our trail. Their presence became so marked and objectionable that it became necessary to steal the English witness and her companion out of the city in the middle of the night. I had the advice of Collector Bidwell and the District Attorney to leave the metropolis with the two

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women and not to return until the day set for the trial.

We got away in splendid shape, as we then thought, and were chatting and congratulating ourselves on the train that was destined to take us to Lenox, Massachusetts, when we made the discovery that at the rear end of our car sat one of the private detectives who had shadowed us since we landed from the Cymric. I thought perhaps we might be able to throw him off our scent, but concluded that I was over-confident when, as I happened to pass him a few moments later, I heard him say to the porter of the car:

"I am going to Lenox. You need not make up my berth just yet. I am in no hurry to turn in."

It being quite apparent that he knew where we were going, it was decided to brazen it out for the time being, and we went straight to Lenox. I had Mrs. Castleton keep her eye on the modern Holmes for an hour after luncheon at the hotel, while I got on the long-distance telephone and called up General Wellington, to whom I detailed the situation. He asked what could be done, and I advised that a capable Secret Service man be sent on to Lenox to assist me. I told the General that I did not want the Secret Service man to be in my party, but to watch the private detective and report to me what that individual was doing from time to time.

Secret Service Detective Roan arrived on the

scene the next morning, but, of course, did not recognize me. I dropped him a note in the mail, saying that I intended to start the next day for Great Barrington. This we all did. But the villain still pursued her. He was as *chic* as a queen of May, as bold as a turkey buzzard, and withal as ubiquitous as the wants of the poor. He had all the confidence of youth, too, and he never for a moment imagined, so far as we could ascertain, that we knew a blessed thing about his existence, his energy or his inexperience. Yet with all this inexperience he never lost track of us for a moment. He was young and green, but he was resolute and courageous. One of these days he will make a great detective, if somebody does not sever his windpipe.

That I might finish some business in New York, and at the same time possibly mix up the ambitions of our young friend, it was decided that I leave Great Barrington and return to the metropolis. Roan remained behind. I had been in New York but five days when I received a telephone message from Mrs. Castleton.

"Come here as soon as you possibly can," the chaperon said to me over the wire. "A woman has been here to see me. She suggested that if I were to leave Great Barrington at once and leave Ivy Cruede alone I would receive five thousand dollars in cash. She is here now. I have told her

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that she will have my answer this evening. Don't lose a moment, but come."

The woman was gone when I arrived there. Mrs. Castleton says that we crossed each other *en route*. I asked for details, and the companion of the English witness told me the following story:

"Roan was busy watching the private detective and was absent from the hotel. The woman arrived unattended and sent up word to Miss Cruede's room that an agent of the Government wished to see her. I saw the woman instead. She gave me a card bearing the name of Mrs. Tiffany, and said that she resided at the Fifth Avenue Hotel in New York. She made the proposition to me in the most cold-blooded fashion. She said that I was a fool to stand by and earn my living piece-meal when I might walk away on the next train out of town and be richer by five thousand dollars.

"I am afraid that I showed my indignation. At all events I tried not to, and said as calmly as I could that I would consider the proposition and let her know. She went away and in a few hours sent me a note saying that if I decided to avail myself of the chance to please telegraph her at the Fifth Avenue Hotel in New York making an appointment. Here is the note. I will give you an accurate description of the woman. I hope you will catch her. She ought to be punished. She looked respectable, but, my! she cannot be."

I was whirling back to New York in the mid-

night train. Mrs. Castleton was for going with me, that she might pick out the woman at the Fifth Avenue Hotel. Her judgment was poor in this instance, and I told her so. Better to lose the fair briber than to lose Ivy Cruede. The chaperon agreed with me after we had thrashed the matter over several times, and before I left she sent a telegram to Mrs. Tiffany, saying that she would be at the hotel in New York at three next day.

As the result of a conference with the District Attorney and Collector Bidwell the following morning the latter sent for the Surveyor of the Port, since deceased, who was let into the situation. It was suggested to the Surveyor that the use of two inspectresses might be of considerable value to me in running down Mrs. Tiffany, and two women whose regular business it is to meet incoming steamers upon their arrival at the city's piers were assigned to the mission of meeting me at the Fifth Avenue Hotel that afternoon.

We waited about the parlors of the hotel for over an hour, and we learned, as many others have done, that it takes two to make an engagement. I had Mrs. Tiffany's genuine New York address, but I never expected to find her after she failed to put in an appearance at the Fifth Avenue Hotel. Our least expectations are sometimes realized, however, and I struck up an acquaintance with the would-be briber when I was not looking for the immediate honor.

## CHAPTER IV

MRS. TIFFANY had given Mrs. Castleton an address on West 104th Street, near Amsterdam Avenue, as her permanent abode. It was but a step or two out of my way on my journey homeward, and after leaving the inspectresses I determined to call there. At Sixty-sixth Street there is a junction of the Boulevard and Amsterdam Avenue, and I left the car there to connect with the Amsterdam Avenue route. While waiting for the electric conveyance to come along it suddenly dawned upon me that I was within a stone's throw of a cigar store that made a specialty of maintaining private letter-boxes. I recalled that Mrs. Tiffany had told the chaperon that she received all her mail at this establishment, and also recollect ed that it was to this hotbed of crookedness that the baiting telegram was sent by Mrs. Castleton.

I changed my mind about going immediately uptown and sauntered off in the direction of the cigar store. As I approached it my attention was attracted in some unexplainable way to a woman who was standing in front of a florist's window admiring a basket of flowers. She was short and

rather gaudily dressed, I thought, and I might have been content with one passing glance had she not turned her face so that I could get an excellent look at her. I do not know why, but it struck me on the instant that if this was not Mrs. Tiffany it was surely her twin sister.

First impulse suggested that I step up and address her, but I passed on when the more mature second thought dictated that I go to the background and watch her. I had not long to wait before she left the florist's window and went straight to the cigar store, which she entered. I was almost at her heels as she went in, and while the shopkeeper's assistant was engaged in serving me with some of the weed I noticed that the proprietor came forward, bowed knowingly to the woman, went to a nest of pigeon-holes, and withdrawing a letter, gave it to her. I did not give the woman a chance to leave the place before I accosted her.

"This is Mrs. Tiffany?" I inquired.

"Yes. How do you do?" was her response, wishing to convey the erroneous impression to her eager listeners that we had met at some distant time. Not preferring to run the chances of a scene on the street, and realizing the importance of letting the attachés of the shop hear what I had to say, I ignored the solicitous inquiry as to my health and said:

"The United States District Attorney wants to

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see you, madam. I am an officer of the Government. Here is my authority, and if you offer any resistance I shall be obliged to perform the undesired duty of calling a police officer to take you to the Federal Building."

She never so much as arched her well-groomed eyebrows, if she felt any touch of surprise, and without a moment's hesitation she announced that she would accompany me. I took her downtown in an elevated railroad train, and, without any prompting on my part, she said as we neared our destination:

"I have been reflecting quite energetically since we met, and I suppose that I may just as well make a clean breast of the whole affair. I confess that it was I who had an interview at Great Barrington with Mrs. Castleton. I offered her five thousand dollars because I was sent to do so. I haven't that much money, and I am inclined to believe that I would not spend it in buying up middle-aged chaperons if I had. I did it for a friend, as you doubtless imagine. I will not tell that friend's name. All I will say is that he does not know this Cruede girl and that he in turn is acting for another friend. Well, I do not mind giving you the name of the latter. It is David Gold. He is——"

The woman must have noticed that my countenance changed with the mention of the name, for she stopped short, looked at me closely and inquired:

"Do you know Mr. Gold? I assure you that I do not."

"Yes," I made reply, "I know the man, and a bigger rascal never lived, unless it is the devil himself. I half suspected that he had a finger in this thing."

"He was in it hand and glove, rather than a mere finger," said the woman, as the ghost of a smile flitted over her hand-painted face. I took a more serious view of Gold, and told the woman how shamefully he had treated the Cruede girl while they were in London. Mrs. Tiffany was a woman of the world, and she had that deep feeling of sympathy which her kind usually evinces for one of her abused sex. So she said impetuously:

"The wretch! But my friend Goldsmith did not know this, or he never would have——"

She brought up quickly, realizing that she had inadvertently dropped the very name I wanted to get. Seeing that I understood, she stammered out something that was unintelligible, and finally commanding herself, said:

"Yes, Mr. Goldsmith is interested in me. He is my friend. To oblige him I did this nasty thing for that man Gold."

I did not have to ask her who Goldsmith was. I knew. He, too, was a bad egg, and the Government had evidence that he was in the same disreputable business that Lasar had carried on for years. It was like drinking poison from a gold

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cup for this woman to tell anything about Goldsmith, but she was not of the backing-out kind, and, realizing that it was better to fall from a window than from a roof, she unhesitatingly told me the remainder of the story.

The moment I delivered Mrs. Tiffany to the District Attorney I went after Goldsmith and had him in the same room with Mrs. Tiffany inside two hours. He did not know that she had been arrested, but when he saw her he advised her to make a sworn statement to the whole affair, which she accordingly did. Tighter every hour was the noose drawing around Lasar's neck.

We had half a dozen men scattered broadcast within the next few days trying to get Gold, but he was a wary dog and managed to keep under cover. He was seemingly never idle, for all that. Reports from Great Barrington were none too good, and it was decided to take the two women away from there and keep them on the move. A month of wandering about followed my convoy of them from the Massachusetts town. From Washington we went to Baltimore, Atlantic City and Philadelphia. The enemy was ever active and destiny was against us.

Instead of there being one or two detectives to watch our movements, they kept cropping up in singles and pairs until the very atmosphere about us reeked with their presence. At times we grew light-hearted in the belief that we had succeeded

in ridding ourselves of the objectionable pseudo-companions, but the elation was only transitory. The shadow of misgivings usually remained behind and would darken into the grim reality that the guest at this or that hotel, whom we never suspected, was a new agent of the gang of smugglers.

The result was that the little English girl found herself at times on the verge of nervous prostration, and her suffering was more than medical aid could control or assuage. The chaperon also was under great mental pressure. The operations of the detectives possessed a character of uncertainty that was very stimulating to her at first. She soon became weary of the ceaseless hounding, however.

From Philadelphia we returned to New York, and for the first time in months we lost track of the sleuths for days. Perhaps they had not lost our trail, but they were not to be seen on the surface for a whole week, and we noticed a marked relief in the perturbation of Miss Cruede's spirits. She was jolly and chatted like her old self. She even consented to go out walking with her chaperon, and was enjoying a constitutional one afternoon, humming a sweet little bar of music, like one sailing through the air of thorough happiness, when she happened to turn around and observe something that made her heart droop to the depths of despair. On the opposite side of the street, half a block behind them, was a woman of fifty-odd years. Miss Cruede recognized her immediately,

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and, trembling like a leaf, drew up closer to her companion.

"Do not turn around," she said in a hoarse whisper. "We are again discovered. This time there is a woman in the case. It is that woman who was at the hotel in Atlantic City, and who left the same day that we did. I never suspected that she could be up to such a mean trick."

The English girl had made no mistake. The female detective had replaced the female briber, and one was about as clumsy as the other. We had to take to the wing again, and that evening found us chewing the cud of doubt and misery at Saratoga. We had gone to the famous watering-place as the last stand in a nerve-destroying fight, and in the Whittingtonian hope of leaving the enemy's scouts hull down we had purposely left all personal baggage behind.

Express men are like cab-drivers and waiters. I never saw one of either branch of this Pry family who could not be bought, and the member of it who sold himself to the pursued for five dollars was invariably willing to tell the pursuer for less money what he knew of the whole affair. They say that women have long tongues, but they are in an inferior class to the jehu and flunkey, especially if the palm is held downward, with something inviting in it. One does not have to be a world-beater in the detecting line, but it is a simple task to become one if the ambitious applicant

for that honor has a great, fat wallet and knows when, how and where to apply the greasing lubricant.

Josh Billings' rule that silence was a hard argument to beat was not intended for the realm of the royal houses of Greenbacks and Curious. One buys silence; the other breaks it. We were scarcely arrived in Saratoga when Greenback bought all that Curious knew, and once more we had the uninvited guest at our elbows. But a day of reckoning was near at hand, though the faithful spies knew it not.

It was the middle of October in 1898 when we reached Saratoga. We might have undertaken a much longer trip, but the time for the trial of Max Lasar was rapidly coming around, and we did not dare to go outside of a distance of five or six hours from the metropolis. We were at the Springs about a week, when a telegram was received announcing that the trial was to begin October 28. We started back two days ahead of this date, and when our train reached Albany it became necessary to transfer our luggage from the Delaware and Hudson depot to that of the New York Central. It was while doing this that I noticed the peculiar actions of a young man whose face seemed familiar to me, but whose identity I could not fully establish. He hung around the baggage-room, though he made no application for transfer or other checks, and I left him standing there, as

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I supposed; but he walked into the railroad dining-room the moment that we took our seats for luncheon. I asked Roan if he had seen the man before, and he replied that he had not. He was quite sure of it, he added.

"Well, I think I have seen him somewhere before, and I will take a flyer at him at Poughkeepsie," said I.

We were not twenty miles south of Albany when the four of us agreed that even the train crew were looking upon us with suspicion. The only inference that could be made was that our pursuers had suggested that they be told when we alighted, doubtless hoodwinking the conductor and his assistants into the belief that we were of the dangerous class and needed looking after. I went through the train to ascertain if the young man I had noticed at Albany was on board. I found him in the smoking-car, but he left this and took a seat in the car ahead of the one in which Ivy Cruede rode.

I asked Roan to go into the car and take a good look at the object of my suspicion, but for some reason or another he was unable to find him, though I furnished an excellent description. This seemed strange to me, in view of the fact that each time I went into the car I had no trouble in locating the man. As our train approached Poughkeepsie I said to Roan:

"Take care of the ladies when we stop and see

that they get ashore all right. I want to leave this train before it stops, and I will wager any sum you like that the next man who follows me off will be that chap in the car ahead."

I was a trifle wrong in my prediction. The first man to jump off the train as she pulled into the depot was our friend the enemy. He rushed into the baggage-room, left his valise there and hurried into the street. As he did so I confronted him. The following dialogue then took place, he being two-thirds angry and I all parts determined:

"What do you mean by following me?"

"I am not following you or anybody else. If my presence in Poughkeepsie be obnoxious to you I shall return to New York."

"You are a private detective, and a pretty poor specimen of one, at that. If you persist in following me I shall see that you are locked up."

"You cannot have me arrested. I know what I am doing."

"We shall see about that," was my rejoinder, and calling to Roan, who was but a few steps away, I said: "Roan, take this fellow to Police Headquarters, and I will take the ladies to a hotel and register. I'll be with you in a jiffy to make a charge against him."

"What is your authority for locking me up?" demanded the man, as Roan took him by the arm.

"I do not know anybody who has more," was what Roan said, in such a quiet way as to make

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the thrust the deeper, and the man seemed withered by the look of disgust which the Secret Service man bestowed upon him. But he revived and demanded the protection of a passing policeman. The latter tried first to propitiate all parties, but he saw that Roan was obdurate and he advised the young man to go to Police Headquarters.

"All right, then," he made reply. "I will go if you take me, but I will not go with anybody else."

"He must be in love with me," said the policeman in an undertone, and then in an impressive way he said to the young man: "Come along, me laddibuck."

While Roan was arraigning his prisoner at Police Headquarters the latter took from an inside pocket several memorandum books and, unobserved, as he thought, slipped them behind the chief of police's desk and the wall. Neither Roan nor myself saw him do it, but there were a pair of eyes on the man in his sleight-of-hand work, and the eyes belonged to a detective-sergeant of Poughkeepsie, who was off one side and supposedly a disinterested spectator.

The moment the prisoner stepped into the Recorder's room, which was close by, this detective-sergeant took the books and turned them over to the Recorder, who afterwards handed them over to me for inspection. I had not time to examine them closely, but one or two glances were sufficient

to establish the fact that the man was employed by a well-known detective agency of New York and that he had been shadowing us for some time. The memoranda told of the money that he had spent, and otherwise consisted of a complete diary of what he had been doing for more than four weeks. Being told by the Recorder that the books showed him to be a private detective, he acknowledged the soft impeachment, said that his name was Myers, and furnished the name of his employer, to whom he subsequently telegraphed.

The Recorder held Myers for disorderly conduct and adjourned the case until the following morning. The employer of the prisoner arrived in Poughkeepsie that night and engaged the best local lawyer available. When the case was called I was unsupported by legal talent, and, as a result, was handled unsparingly by the lawyer for Myers.

The Recorder asked me why, in my opinion, the man should be held, and I made reply:

"This man was detained by us for interfering with a Government witness. In a conversation over the telephone I explained to General Wellington, the United States District Attorney, the details of the arrest, and he has instructed me to request you to surrender the prisoner to Secret Service Agent Roan for the purpose of taking him to New York for arraignment."

The Recorder was about to speak, when the local attorney arose and addressed the court as follows:

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"Your Honor has no right to surrender the defendant to anybody. He must either be held or discharged."

Secret Service Agent Roan thereupon moved over to the private detective, who sat beside his employer and his counsel, and said to him:

"I will take you to New York on the twelve o'clock train."

The lawyer sprang to his feet and thundered: "Have you a warrant for his arrest?"

I stepped into the breach and said no warrant was required; that the city of Poughkeepsie was in the Southern District of New York, according to the Government's legal idea; that we had full and absolute jurisdiction in that territory; and that it was our right to arrest an offender against the laws of the Government without a warrant, particularly if the offense charged was committed in our district.

"That may be your conception of the law, but it is not mine," rejoined the attorney, as he ranged himself alongside his client. "Now, sir, listen to me. I advise this young man to resist arrest if anybody lays hand upon him without a warrant, and I warn you to touch him at your peril."

The latter remark was made to the Secret Service Agent, who merely smiled in derision. Finding that he had made no marked impression upon Roan, the lawyer said with a vociferous voice:

"If this young man had shot you while forcibly

arresting him, or for taking his private papers from his person, he could not have been held amenable to the law. Take my advice and leave him alone in future."

Roan winked at me, as much as to say, "This chap is wasting his time in Poughkeepsie." Notwithstanding the flow of oratory on the part of the lawyer, the Recorder discharged the man, and Roan immediately stepped up and placed him under arrest. He left for New York with him, and as he graciously escorted the now thoroughly chagrined detective to a choice seat in the smoking-car he said to him:

"Now be a good boy and do not annoy your papa, who wants to smoke in peace. I'll see that you are not starved, as you deserve, and, faith, the same thing applies to hanging. That's the Hudson River. Watch the big boats go by."

Myers made no reply. There was a remorseful air about him and for the first time since his detention he looked frightened. He was a good finisher, though, and he looked *sang froid* enough when, later in the day, he was brought before the United States District Attorney in the Federal Building, New York. He never told any state secrets, and, in fact, we never asked him who had engaged him. Some questions are unnecessary, and some men are born untruthful. They were the two chief reasons why we failed to ask.

The Lasar case was finally called for trial, and

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after some unimportant testimony was given by several witnesses, Miss Ivy Cruede was called to the witness stand to give her testimony in the greatest diamond smuggling case ever tried in the Federal courts in New York, or anywhere else, for that matter.

## CHAPTER V

PRIOR to the opening of the direct examination of Miss Cruede there was a lively though lengthy tilt between counsel as to the admissibility of a certain deposition made by one Neresheimer, of London. The opposing faction contended that as Special Employee of the Government McCormack was present during the taking of the deposition and took an active part in its composition, it should be sidetracked. It was a small affair, at best, and, no matter how decided, could not have changed the final result.

There was no attempt upon the part of Miss Cruede to "fix and fuss" in anticipation of her occupying the center of the arena. She walked to the witness chair as simply and plainly dressed as if the idea of her meeting so many people in one place had never entered her head.

She knew what was coming, or at least had some sort of a warning that the counsel on the side of Lasar would do everything in their power to take advantage of her physical helplessness and ignorance of court methods. Yet, realizing that there was to be an awful test of nerves against legal

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strength, and that in all probability she would have to stand several days of the ordeal on the stand, she went to the chair with the humility and modesty befitting an English girl.

That there may be no misunderstanding as to the refinement of the young woman, it may be said, that she came of one of the oldest English-French families, had traveled much when young through India, Spain, France, Italy, America and Mexico, where she was born, and had never known the want of anything until her father died. Thanks to the cruel line of questioning by Judge Daniels, for the defense, the witness was finally placed at bay, and refused to answer some of the questions, even when ordered to do so by the court, to whom she appealed.

The purpose of Lawyer Daniels was plain from the very outset. He wanted by wicked innuendo and subtle inference to make it appear that the girl had lived a peculiar life before she met Lazar. She was perfectly willing to tell everything about herself, but declined to drag the dead members of her family into the case.

Miss Cruede was the daughter of Major Orphley Cruede, an English army officer, who unfortunately committed suicide. Much as the girl desired to withhold that information from the lawyers, yet those who saw the girl defy Daniels and protest against his unnecessary attempt to parade the

memory of her family before the minds of some of those who reveled in the affair, needed no endorsement of the conviction that she had the spirit of the soldier and the patience of a gentlewoman.

The young woman had many aristocratic and influential friends, even after the death of her father, and had a small income besides; but, that she might not be deprived of many things, she did some painting for a living. Correa, a noted Chilean painter, had taken the orphan into his family and taught her much in the line of the arts and helped her to paint a famous picture, the name of which I withhold, for several reasons. A copy of "Ruth and Naomi" from her brush won first prize at one of the Academy salons.

The English girl was not quite eighteen years old when she met Lasar for the first time, and the fact that she began such intimate relations with a man on so short an acquaintance was rehashed, gloated over, scooped up and enlarged with fiendish magnitude by the defense.

It is a pity that the young girl ever fell afoul of such a decayed, festered whelp as Lasar, but I excuse her weakness in the fact that she was still in her teens, that the black-hearted smuggler raised his hand to his Maker and swore that he would treat her as his daughter if she were to change her room on the steamer Labrador, in which they both crossed the ocean, and that having accomplished his hellish purpose, he promised to

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make her his wife when he had obtained a divorce. This was the first time he had stated he was a married man. She believed him to be unattached, but, learning that he was really married, it was then too late for her to turn back. No matter what the world may think of Ivy Cruede, I say that Lasar has a lot to answer for as concerns her.

The moment the English girl took the stand it was apparent that the jury was much interested in her. In replying to the opening questions of Mr. Wellington she said that her full name was Ivril Yvonne Carlos Cruede, and that for short many of her friends called her Miss Ivy. She explained that she had come to America nine weeks before on the request of an agent of the Government, and that for her services she was to receive fifteen hundred dollars.

The defense had been laboring under the blissful belief that the matter of compensation would not be broached until its inquisitive counsel compelled the witness to explain the financial transaction by means of legal thumbscrews, and the propounding and solution of the question by the Government and its witness at the very outset had a sort of dampening effect upon the hopes of Lasar and his following.

Asked as to how she made the acquaintance of the smuggler, the English girl said that it was on towards the end of October of 1897. She had taken a ticket for transportation across the Atlantic in

the steamer Labrador, bound for Montreal. While crossing in the tender that took her from the Liverpool quays to the Labrador, which was anchored in mid-stream, she sat on the top of her trunk, which was on top of another trunk. She noticed a man standing near the tender funnel. This man was Lasar. She had never seen him before. Her attention was attracted to him in this instance by somebody remarking that the "gentleman over there is laughing at you."

The witness explained that she wondered why he had laughed, but thinking a moment later that it must be his trunk that rested under hers, and that he had laughed because she had stepped upon his trunk to sit upon her own, she got down and went away. She did not see Mr. Lasar again until the Labrador had hoisted her anchor and steamed from the Mersey.

It was during the late forenoon that she saw Lasar again. There was an old gentleman, a passenger, who was traveling with his niece, a little girl. The child had a doll which had no face, and Lasar was playing with the little tot. Her attention was attracted to the doll by Lasar, who remarked:

"Somebody ought to paint a face on this make-believe doll."

Lasar handed the plaything to the witness, and she noticed that the doll was made of rags and quite dilapidated. She returned the doll to Lasar

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without making any comment. She was in the company of a young woman who was to share her stateroom with her. This young woman heard what Lasar said to her for the first time, and also her subsequent reply that she would paint two eyes and a nose on the rag baby. This was their first conversation, and a trip she was making about deck with her girl acquaintance had been interrupted by it.

Later in the afternoon Miss Cruede painted a face upon the doll, and when Lasar met her again about deck he thanked her for what she had done.

This was the beginning of their unholy alliance, he a married man and she a slip of a girl who knew not the ways of the world, or of the snares and pitfalls that men like Lasar dig for the unsophisticated maidens like herself. The girl told the whole story with such frankness as to make a lasting impression upon the minds of those who heard her sad tale. It was an open picture of deception and intrigue on the part of the smuggler, and he was a gone cock in the pit from the moment that the girl gave her narrative to the twelve honest and good men.

It appears that shortly after luncheon on the first day of the Labrador at sea, and about one hour after she had returned the regenerated doll to the little child, Lasar walked up to where Miss Cruede was standing with a girl friend and asked her how she liked sea traveling. She replied that

as a usual thing she was quite fond of the ocean, but that she felt as if she was not to like that trip. Lasar then asked her where she was bound, and she replied that she was *en route* to Montreal.

"Oh, you do not want to go direct to Montreal in the ship," Lasar said. "It is much more pleasant to disembark at Quebec and go to Montreal by rail. The scenery is better."

The witness testified that she replied that she had purchased a ticket by boat direct to Montreal and that she would have to go that way.

To this Lasar replied: "Oh, you get off at Quebec. It will be more interesting."

The young woman, who was standing alongside of Miss Cruede while this conversation was going on, then remarked that it would be too bad to waste the steamer end of the ticket by traveling by rail, to which Lasar made answer that the cost was very little. This exchange of opinions occurred about two in the afternoon, and Miss Cruede and her companion then walked forward to see another portion of the ship.

It was two hours later when she met Lasar again. This time she was alone, and he said to her:

"It looks as if we were to have a pleasant trip."

"Perhaps," Miss Cruede replied, adding: "I am afraid that I am going to be ill."

Lasar appeared to be solicitous, and expressed the hope that the voyage might be finished without

any inconvenience to her. Miss Cruede then said: "I am quite sure I am going to become ill. I do not like the food in the second cabin. I have never been in the second cabin before and do not like it."

In her explanation to the court of her taking an almost utter stranger like Lasar into her confidence sufficiently to criticise the food of the ship Miss Cruede said that it was a most ordinary thing aboard all ships to discuss the ship's table even with strangers. Fellow-passengers were never considered to be strangers. There was a strong bond between fellow-passengers which was usually severed at the completion of the trip, but that it was quite thorough while the passage lasted.

Continuing, Miss Cruede said to the court that the food in the second cabin was good enough for those who were accustomed to traveling in that class, but that she was not used to it. She had not intended to go intermediate, and need not have done so had not she spent (entertaining girl friends in England) some funds that had been sent to her. She was unable to get away from these friends, she explained to the jury, and when she finally arrived in Liverpool and counted her money she found that she had only a little above the cost of a second-class ticket.

Lasar, according to the witness, then said:

"How would you like to go first class?"

"That is out of the question. I have not the means," is what Miss Cruede swore to as a reply.

Nothing else was said on that subject at that time, the resourceful Lasar asking the eighteen-year-old girl where her friends resided in Canada, who her people were, and as to her previous voyages. In the course of events, being young, undiplomatic and unsuspecting, the English girl told Lasar in a modest way that she painted, and he laughingly said:

"Why, I must be a mind-reader without knowing it. Just imagine me asking you to paint a doll's face, and you a great painter and my not knowing it."

He lavished flattery upon her in this way from the very first, and Lasar, let it be known, was a grand master at the art. The eighteen-year-old English girl was ignorant of

"This barren verbiage current among men,  
Like coin, the tinsel clink of compliment."

So, believing that he was interested, she told him about her people and some other confidences of that nature. Then she went away to see her girl companion and met Lasar again just about the time that the gong was sounded for dinner. He said to her:

"May I see you after dinner? I want to say something."

Being in different classes, he went to one part of the ship to dine, while she went to another.

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Shortly before dusk they met again, and Lasar said to her:

“Would you like to go into the first class?”

“Oh, I should like to have gone first cabin,” the witness said. “I might have done so had I been more careful of my money.”

“Well, you are going into the first cabin,” said Lasar. “I have fixed it. I have given the chief steward five pounds to have you transferred. Your luggage has gone from your room into the first cabin.”

Miss Cruede said she did not believe Lasar when he made this statement because when she was in her own room a short time before her baggage was there. But he insisted that the transfer had been made, and she finally said:

“Well, under no circumstances could I permit a transfer of this kind. Why should you do any such thing as that? I am a stranger to you. I could not think of doing such a thing.”

“Well,” answered Lasar, according to the witness, “your baggage has gone from your cabin into mine. Oh, come, come, it is all right. It does not matter. I have given the steward the money and you must come to save further trouble.”

“You had no business to meddle with my baggage,” the witness then said to Lasar. “How could I do such a thing as to go into your room? The people on the ship are sure to talk as it is, and my friends at home may hear of it.”

"Nonsense," was the retort of Lasar. "I will tell everybody that you are my daughter. I am not married, but God knows I need a daughter. I have no children or anybody who cares a snap for me. I am lonely. May God cut off my life from me forever if I do not treat you as my daughter. I have a nice, large room. As a matter of fact, it will look worse for you if you do not go now that your baggage has been transferred."

This and a good deal more did the oily-tongued tempter say to the light-headed butterfly whose wings his venomous fire was trying to singe. The witness, if she is to be believed, and it seems that the jury did believe her, then went down into her own cabin to ascertain for a certainty whether or not her luggage was there. Sure enough, everything that she owned was gone. In this connection she describes the immediate happenings as follows:

"When I found my personal effects gone I was full of resolutions not to go. But the people in the second cabin looked so hard at me that the full import of his words, that even if I did not go it would be unbearable for me in the second cabin during the remainder of the trip, came to me. I hurried to the upper deck and hastened to where Mr. Lasar was standing against one of the boat davits. I told him that he had taken my baggage and that everybody would talk. He repeated the statement that it would appear a great deal

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worse if I returned the baggage, and like a fool I believed him."

It was at this critical moment, it would seem, that she promised to go to his cabin, and one of these days I honestly believe she will be forgiven for her weakness, if the recording angel has not already done so. Even while still wavering between right and wrong, the libertine said to her:

"My little girl, you can trust me implicitly. I will be as a father to you. I swear it."

The innocent English butterfly finally went into the web of the licentious spider, and when she finally emerged she was polluted and disgraced. Her own words on the stand as to her downfall were these:

"However, I went down to his stateroom. In the evening I went to bed. Mr. Lasar was not in the room at that time. He came in later. I stayed in his stateroom during the rest of the voyage. I did not go out very much. I went out occasionally during the evening. I was ashamed to go out in the daytime. I had thought of appealing to the purser or the steward or the stewardess, but Mr. Lasar told me what would be the end of such an action on my part."

So on and so forth, but, that both sides may be placed on an even basis in this matter, I will give a few questions and answers that were exchanged in relation to this unwholesome subject.

"And these were the circumstances under which

you met Mr. Lasar for the first time?" was the question of United States Attorney Wellington.

"Yes, sir," answered Miss Cruede.

"How old were you at that time?"

"A little over eighteen. We landed in Quebec about the 5th or 6th of November."

"Before you met Mr. Lasar you had been doing nothing but painting for a living?" inquired Mr. Daniels.

"No," was the response of Miss Cruede. "I had no need to do anything for a living. I had money. My people kept me."

"Your relations with Mr. Lasar then became intimate, did they not?" was Mr. Daniels' next query.

"I have no answer to such a vulgar taunt," Miss Cruede said, with flashing eyes. Mr. Wellington jumped to his feet and exclaimed:

"I object. I think that is going beyond the rule. I think they have shown the situation of the parties, and to ask a direct question that involves chastity has nothing to do with the question of veracity."

At this point Judge Brown interposed with this opinion: "As a part of her testimony in chief in that regard, I consider her testimony to be open and frank, leaving nothing to be desired so far as is necessary for all to understand what her relations were. I do not think there is any occasion to

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go beyond to repeat what she has said in that respect.”

An exception was taken to this opinion by the counsel for Lasar, who then asked the witness:

“Did you give Lasar your ticket to change?”

“Yes, sir,” was what the witness said.

“At the time that he gave the five pounds to the steward, did you?”

“No, sir; it was afterwards.”

“Did you give him your Montreal ticket to change before you occupied the cabin with him?”

“I have answered no, sir.”

“When did you give him the ticket to change?”

“Afterwards—the same evening.”

“The first evening?”

“Yes, sir. I do not know the exact time.”

“Was it before you retired to bed?”

“Mr. Lasar was out when I retired.”

“Before you retired you had given him your ticket to change?”

“Yes, sir.”

Following this delectable résumé of what happened to the unfortunate girl on the first night at sea in the Labrador, Mr. Wellington went in for a spell of intelligence regarding what the pair did and said after their arrival in Quebec. Miss Crude was evidently an observant girl, and, what is still better, had a keen memory, even months afterward, of the exact happenings of this trip ashore and afloat.

It should be borne in mind that at the time of these occurrences she had no idea that she would ever become a witness against Lasar. She undoubtedly grew very fond of him, and had he treated her half decently, and not inspired his nasty hired man, Gold, to make a chopping-block of her poor soul, it is certain that the Government would have been without the services of this important witness when Lasar was finally brought to bay. Mr. Wellington's first question as to her knowledge of the valuables that Lasar was bringing to North America on this celebrated trip was as follows:

"During the voyage was anything said by Lasar about any valuables that he was bringing to this country?"

"He told me that he was a diamond merchant, and showed me papers to make me believe that this was his business," was the reply of Miss Cruede.

"Did you take a sleeping-car from Quebec to Montreal?"

"Yes, sir."

"Did you occupy the same berth with Lasar?"

"Yes, sir."

"Was anything said or was anything shown of valuables during the time you occupied that berth on the way to Montreal?"

"Nothing was shown, no. I was laughing and talking, and he told me that I must be quiet. I

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asked him why. He said: 'I have valuables, and if you don't be quiet we might be murdered in our bed.' He did not state what the valuables were."

"Did you discover anything that he was taking care of?"

"Yes, sir. I accidentally put my hand under the pillow and found a belt—a simple canvas belt I think it was. I did not take it from under the pillow. I was surprised to find something under there and just felt of it. I did not say anything to Mr. Lasar about finding the belt."

All of the questioning along this line was to establish the fact that Lasar had the diamonds and other precious stones which he subsequently smuggled in his possession while he was in the company of the English witness.

"I understood you to say that during the voyage across the Atlantic Mr. Lasar had some packages in his cabin?" was the way Mr. Danie's put it during the cross-examination.

"I said that he showed me some papers," was Miss Cruede's answer, adding, in reply to the question of what papers, that he had shown her such things as old invoices and bills of lading of old diamonds that had been sent possibly two or three years before. He did this, the witness said, to show her that he was what he represented himself to be, a diamond merchant.

The two arrived in Montreal early in the morning, Miss Cruede said. She was not certain of the

date, but she knew it was on a Sunday morning. They went straight to the Hotel Windsor and she saw Mr. Lasar register. She was directly alongside him at the time, and witnessed him write the name M. J. Lasar in the register, and Miss, with two ditto marks meaning Miss Lasar, underneath. She was to pass for the merchant's daughter. She also saw him place the word Jersey after each name to indicate that they came from the bonnie home of trusts and mosquitoes. They were assigned to two adjoining rooms which had a connecting door between.

After breakfast the morning of their arrival at the Hotel Windsor the witness said that she went upstairs to her room, while Lasar remained in the corridor, with the remark that he wanted to find the clerk of the hotel to put his valuables in the safe. He was absent about ten minutes, and then came upstairs to where she was and announced that he could not find the right clerk and that he would have to stay around until he did. Then the witness continued:

"I went into my room to dress to go driving, as he suggested, and when finished returned to his room to find him seated at a table with two packages before him. I do not know where he took the parcels from. As I entered he put one package in each side of his coat pockets in the back and, standing up, asked me if they looked too large or bulky. I examined his back and told him they

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stuck out quite a bit. He said that they would have to stay there." The witness was quite sure that this occurred on Sunday, but she was unable to recall, although she had tried very, very hard, what day it was that Sister-in-Law Lasar arrived on the scene to bring the packages to the metropolis.

Both the court and Mr. Wellington impressed the witness with the importance of her recollecting what day of the week it was that she saw Mrs. Lasar, but she finally replied:

"I cannot recollect. I have tried and tried, but cannot remember."

The witness was positive, however, that she saw the same packages on the following Monday. They were on the person of Lasar, and he still seemed to be looking for the "clerk" of the hotel, so he had to carry them around with him to find the absent knight of the immaculate white shirt-front. The packages were not always in the man's pockets, the witness affirmed. Sometimes he had them in his hands, sometimes he placed them on the table in his room, sometimes in his trunk, but generally he carried them in his pockets.

The two packages were covered with brown paper and each was from four to six inches in length. They were not square in shape, but the witness failed to remember how they were tied. The smuggler and his latest victim remained at the Hotel Windsor for four days, or until the fol-

lowing Thursday. As to what happened after the Sunday evening in which Lasar was unable to locate the supposedly mythical clerk who was to care for his packages, I will let the witness' testimony stand. This is what she said:

"It was either Monday or Tuesday. I am inclined to believe it was the former. The weather had turned out extremely cold for November since our arrival, and I had no coat—that is, a heavy coat. Mr. Lasar told me that I was to go down to a shop and there get a coat, or, rather, I was to go and see what I would like. He said that I was to go away and stay for a considerable time. He impressed this fact upon me several times that I was not to return in a hurry, but to go about all the stores and see what I would like to get.

"I went away, and, sooner than I expected, found the coat that I wanted and hurried back to the hotel to tell him the news. Much to my surprise I found not only Mr. Lasar's door locked, but also the door leading to my room. I knocked at both, but received no answer. I walked away up the corridor, wondering what the matter could be. As I turned back I saw a woman coming out from the door leading to Mr. Lasar's room. Although the woman did not know me, she hurried back into Mr. Lasar's room the moment she realized she was observed.

"I was determined to find out who the woman was and went back up the corridor again. At the

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end of this corridor there was a shorter corridor, with a window at its terminal. I waited there for some time, and as I turned around to come back I saw the woman for the second time. As when I saw her first, she was emerging from Mr. Lasar's room."

"Would you recognize the woman if you saw her again?" was the question of Mr. Wellington.

"Yes, sir," responded Miss Cruede. "That is the woman over there." As she said this she pointed towards Sarah Lasar, the sister-in-law of the claimant for the diamonds.

"Will the counsel for Mrs. Lasar do us the courtesy to have this lady stand up for a moment, that there will be no mistake?" inquired Mr. Wellington.

Mrs. Lasar stood up and lifted her veil, and the representative of the Government then asked:

"Is or is not that the person you saw come out of Lasar's room?"

"That is the lady, sir," Miss Cruede said.

"This is Mrs. Morris Lasar!" Judge Brown interjected.

"Yes," said Mr. Wellington; "called Sarah Lasar in the information."

"This lady is Sarah Lasar, the sister-in-law of the claimant," acknowledged Mr. Daniels, Mr. Lasar's lawyer.

"Does she say that she saw Mrs. Lasar come

out of one of the two rooms?" inquired Judge Brown.

"Yes, sir," responded the witness.

At this point Mr. Daniels interposed with his opinion of what the witness had said. This is how he put it:

"She said that she saw a lady come out into the hall. She did not see the lady at that time to recognize her. She afterwards recognized her."

"The lady came out of the room and I saw her and she went back into the room," said the witness, continuing: "I saw her face the first time. When she saw me she went in again. I waited purposely to see her again and saw her face when she came out the second time. I am sure about my identification. When she went away I returned to the room. I had no trouble getting in this time, because the door was not fastened."

"Did any conversation take place between you and Lasar after you went in?" was the next question of Mr. Wellington.

"Yes. He seemed very nervous after I went in, and he asked me if I knocked at the door. I said I had."

"I desire to strike out the expression that he seemed very nervous," exclaimed Mr. Daniels at this juncture.

"But he was very nervous," insisted the witness before anybody could stop her.

"I will allow the answer," was the decision of

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Judge Brown. "I think it was a sufficiently familiar expression."

"Miss Cruede," remarked Mr. Wellington, "when the counsel on the other side objects, stop and do not say a word until the gentlemen have had an opportunity to state their objections. It is only fair to them."

The witness promised to be good in future, and then Mr. Wellington demanded to know of the witness what occurred after she passed into the room. Miss Cruede made reply:

"I asked him who the lady was, and he said that it was his sister. He did not say anything further. When I saw that he was inclined to be secretive about the visit of the woman I did not continue the subject, but told him that I had succeeded in finding the coat that would suit me. He then said that I must go back again to the store, and that under no circumstances must I return quickly. I was to send the coat, cash on delivery. He also told me to purchase a cape and a muff, but not to hurry back. I did as he told me, choosing a fur cape, coat and muff."

"What occurred next with reference to these two packages that you have referred to?" asked Mr. Wellington.

"After dinner on the evening of the day on which I made the purchases Mr. Lasar told me that I was to go upstairs to my room, which I did. When he came up he said that I must remain in .

for the rest of the night; that when I retired I was to go into his bed and stay there. He also cautioned me about locking my room door and also the communicating door between."

"I went to bed as he told me to do, and while there he gave me two packages which I immediately recognized as the ones that I had seen in his hand on the day we arrived. He told me to hide them under the bed covering, that he was going to be out quite late, and if anybody knocked during his absence not to answer. He must have changed his mind about my locking myself in, because he locked all the doors himself and took the keys with him.

"It was two in the morning when he returned, and meantime I was very much frightened. When Mr. Lasar came back he told me that he had met some friends who had crossed in the Labrador and that they had scolded him about me. He said that he had assured them that he would do the right thing with me. He repeated what he had said, word for word, that as soon as he had obtained his divorce he would marry me. 'I promised them I would do so and I shall,' is the way he put it. He seemed to be quite happy. There was no more conversation that evening, except that he asked me if the packages were all right."

"Had Mr. Lasar previous to this made any such promises to you?" inquired Mr. Wellington.

"Yes," answered Miss Cruede. "He told me

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several times on the ship that after getting his divorce he would marry me. First of all he said he was not married. Then he told me that he was divorced. Finally he said that he was suing for a divorce."

"Now, returning to the question of the packages," said Mr. Wellington, "where did you place them?"

"In bed," answered the witness.

"Whereabouts in bed?"

"With me."

"Was it under the pillow that you placed them?"

"No."

"Or under the mattress?"

"Oh, I just kept them in bed. I did not put them under the pillow."

"Did you keep them in your hands?"

"Yes, sir."

"Right next to your person?"

"Yes, sir."

"Did Mr. Lasar remove the packages when he came in?"

"No; he just left them there until the morning, when, before breakfast, he put them around his waist."

"What happened the next morning?"

"After breakfast Mr. Lasar asked me if I would like to see what I had kept for him. I said that I did not mind, so he said: 'All right. You shall

see, if you are good.' So he went and closed all the doors, as he had done the evening before, and cautioned me about being very, very quiet, and that he would show me. He took a small table to the window, took off his coat, his vest, and he unbuttoned two or three other buttons and took off a belt from one of the packages. There were two belts, I noticed. He placed the belt he had taken off on the table. In this belt there were many small packages. He opened these packages and laid them on the table one after the other."

The witness was shown some exhibits that had been marked for identification and was asked if the smaller packages had that appearance. She replied that they were similar.

"How many belts did you see, all told?" asked Judge Brown.

"Only two," said the witness.

"Not the belts?" exclaimed Mr. Daniels.

"There was a belt in each package," answered the witness. "In the morning when he took the packages from me he opened one package and put one belt on, and opened the other package and put the other belt on."

"Opened what?" asked Judge Brown—"his vest?"

"Yes, sir," Miss Cruede said, and she proceeded to tell of the rest of the occurrences of that morning. "After spreading the smaller packages out on the table," continued the witness, "Mr. Lasar

said: 'Now I want to show you what I have. I have lots of diamonds—quite a fortune.' He said that they were worth about fifty thousand pounds. He opened each package separately and showed me the diamonds. He laid them all out in rows on the table before the window. Certain packages had small diamonds—very small; some had diamonds that were very much larger. Some looked brown, some just yellow, others had beautiful blue tints, and some were pure white. They all looked so different. Then he took a paper from his pocket. The paper was folded, and he looked at it, and as he examined each diamond he checked off something on the paper. I saw the paper. There were lots of little figures on it."

Miss Cruede then identified a paper shown her, resembling the one which Lasar had taken from his pocket.

"What did Mr. Lasar say when he had finished his checking and examination?" inquired Mr. Wellington.

"He said to me: 'I will not show you the other belt. They are the same, exactly the same.' He wrapped them all up again and put them back into each little package and put them around his waist. I did not see the diamonds again while I was at the hotel in Montreal."

"Were these belts of leather or canvas, and about what size?"

"They were not of leather. They were about four inches broad. Each belt had a number of pockets, and in each pocket there were a number of the small papers containing the diamonds."

"You are asked to describe the belts. Please do not answer any more than you are asked," thundered Mr. Daniels.

"Did you see these belts on his person after they were put on?" inquired Mr. Wellington.

The witness said that she had, and that one belt was above the other, the one uppermost being quite high on the body. She did not see the belts again after Lasar put the packages into them and placed the belts about his person.

"Did you make any inquiry about the belts after that?" was the next interrogation of the Government lawyer.

"Yes, sir," was the answer.

"State what occurred."

"On Wednesday evening Mr. Lasar told me that we were to leave early the next morning for New York, and he asked me if I would pack his trunk and give him some clean linen to make an exchange. He made an exchange. He had no belts on when he made the change of underwear."

"He didn't ask you that," shouted Mr. Daniels, jumping to his feet.

"I asked her to describe what occurred."

"He had no belts on at that time," was the rejoinder of the witness.

"Did you see him undress when he was making the change of linen?"

"Yes, sir. I saw that he had no belts on."

This constant allusion to the belts, conveying as it did the impression that the sister-in-law of Lasar had taken the belts away between the time that Lasar exposed them to view and the night he changed his linen, was too much for the lawyers of the smuggler, and Mr. Daniels exclaimed:

"She was simply asked what she did. Now saying that she saw no belts on him, her attention was not called to that at all. It is most singular that she should bring that out."

Mr. Wellington brought the testimony out another way by asking: "When he was making this change of underclothing did you observe his person?"

"Yes, sir."

"Did he have any belts on?"

"No, sir, he had none."

"Did any conversation occur about the belts at that time?"

"I turned around to pack his trunk and found the wrappers that had been around the parcels. He had no belts, and I thought these would be in his trunk. I asked him where the diamonds had gone, and he replied, 'Oh, my sister has taken them to New York.' I said nothing else to him about them."

During the cross-examination of the witness Mr.

Daniels was most anxious to clear up Miss Cruede's mind on the question of when she saw Sarah Lasar in the hotel hall. The counsel wanted to make it appear that the witness saw the woman the day of the evening on which Lasar gave her the two packages to mind.

The purpose was evident. They desired to make it appear that if the witness had the packages, presumably containing diamonds, at any time after she had seen the supposedly hired carrier, Sarah Lasar, why, it would be most difficult to prove that this woman carried them across the border and into the States.

The opposing counsel reckoned without their host, however, for even if the witness knew nothing of the subsequent movements of Mrs. Lasar, the Government officials at a future time had no great difficulty in tracing her every movement and in establishing the fact that it was she who carried the smuggled gems into the metropolis. So Mr. Daniels was merely wasting valuable time, though he knew it not; but, then, neither time nor money has ever been any consideration to the stout, little lawyer. The witness on this occasion, however, satisfied the opposing counsel with her answers when she said:

“The lady appeared the day that he gave me the packages to put away and take to bed. This was the day before he exhibited the diamonds on the table.”

"And Lasar deliberately went to work in your presence and showed you the diamonds?" Mr. Daniels asked.

"Yes, sir," was the response. "I examined some of them and admired them all. He asked me if I would like to have some, and I told him if the possessing of them were to make me quite as nervous as I had been with them in my care the previous night, I did not want any of them until we got to New York."

Miss Cruede went into details as to the trip to the metropolis. Lasar did actually enter New York, which was quite courageous of him, in that he anticipated his lawful wife pouncing upon him at any time with divorce papers. The witness said that they left Montreal early in the morning and reached New York the same evening, crossing the ferry to Jersey City without wasting any time in the larger city. Lasar took her to Taylor's Hotel, and after registering her name he saw that she was assigned to a comfortable room, and then left her to go to the Washington Hotel, near by, where he registered himself. Then he returned to Taylor's Hotel to keep her company.

Launching into a long description of what happened after the couple arrived in Jersey City, Miss Cruede replied to a flood of questions that she saw Lasar write her name in the Taylor's Hotel register, but that he did not spell it correctly. He made her name read like Crusade. He did not write

his own name, or any purporting to be his own, in this register, because he intended to make it appear that he was living at the Hotel Washington. This was because of the nearness of his wife and her relatives, all of whom were anxious to catch him in his wrongdoing. Miss Cruede identified Taylor's Hotel register and the entry Lasar had made in it.

Although Lasar had his headquarters at the Washington, he spent very little time there, according to the testimony of the witness. He stayed every night with the witness at Taylor's Hotel and left in the morning for the Washington, where he spent a portion of each day. It was her custom while in Jersey City to go to his room in the Washington Hotel each afternoon. It was the recital of the continuation of their illicit relations that caused the counsel for Lasar to ask the following pertinent questions:

"Did I understand you to say that Mr. Lasar told you that he would marry you after he got his divorce?"

"Yes, sir."

"And stated that to you repeatedly?"

"Yes, sir."

"He made that promise to you on the steamer?"

"Yes, sir."

"Of course, you are not friendly with him, that he broke his promise?"

"Yes, I am quite friendly with him."

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"Oh, you have shown it."

"That is, I have had no quarrel with Mr. Lasar. I am not angry with him," was all the witness said in answer to the lawyer's unnecessary remark. The latter then said:

"He has not married you, has he?"

"No, sir," answered the witness, holding down her head.

Miss Cruede explained how she and Lasar remained in Jersey City until the following Tuesday, November 16, when Lasar came rushing to her with the information that she must remain in the country no longer, because his people were hot on his trail. He engaged transportation for her in the steamer Britannic, which took her away on Wednesday, November 17, 1897. Of this part of the affair I will let the witness tell in her own language.

"Before you left for Europe did you have any further talk with Lasar about meeting again or about your relations to each other?" was the question put by General Wellington, which brought out the following response from Miss Cruede:

"Yes, sir. He came to me one day and said: 'Ivy, you must leave at once. You must go by the next steamer to Europe.' I asked him why, and he said, 'You know my divorce suit is on,' and he added: 'If you are in the court it will go against me. I want you to go away. I will be back again in Europe, at the latest, in February. If I cannot

get out then, you shall come back to me. I will marry you either here, in Liverpool or in Paris, but I will come back to you.'

"I asked him if he would see me off. That was the evening before I sailed. He said, 'No,' and added that it would not look well for him to see me off. He stated that he would send one of his men, a young boy who was with him at the time, but who did not hear the conversation he had with me. We were in the metropolis when he told me that I would have to sail the day following, and he did not let me go back to Jersey City that evening."

"Now, you were not asked that," shouted Mr. Daniels. "She has evidently got the story pretty well in mind, but I do not propose to have her detail it without questions. That is all."

"Proceed," said Mr. Wellington. "What occurred before you sailed, or any conversation that took place between you?"

"He told me to be at the Jersey City ferry, Twenty-third Street side, at six-thirty that evening," continued the witness. "He came there with a young boy from the office. He told me he was from the office. He said he had to have him with him to come there; that possibly he would be subpoenaed if he did not have him with him. We went to a restaurant. He said to me: 'I am sorry I have got your ticket to go away. I would rather have you stay. I don't think I can do without you.

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However, since you have your ticket you shall go. But I will come back to you, or you shall come to New York. We won't go back to Jersey City tonight; we will stay in New York.'

"We did stay that night in New York at a hotel which I am not prepared to say. I don't remember. In the morning he left me. He told me he could not go to the boat; that the young man would come to the hotel for me and see that I got on the steamer all right. He asked me if I wanted any money. He gave me about seven pounds. I told him that I did not think my people, after knowing what I had done, would have anything to do with me, and that when I got to England I would have to do something to earn my living. I did not see him again until I met him in the court here."

"Did you ever have any letters or communications from Lasar after you went away?" General Wellington inquired.

"I had one, which he asked me to destroy, and I destroyed it. I had a cable from him, or, rather, I say it was sent through him. This cable I received on the day I sailed from Liverpool to come to America to testify against him. It was——"

"Don't say what it was," Mr. Daniels shouted, as he jumped to his feet.

"Do you know where that cable is?" asked Mr. Wellington.

"I gave it to the agent, Mr. Theobald."

"And the letter which you received from him and which you destroyed—what did that contain?"

A great legal battle followed this query, the court finally deciding that the letter had no bearing on the diamonds, and the question was excluded. Mr. Wellington finished his direct examination of the witness with the question, and Mr. Daniels began his cross-examination.

The Judge seemingly tried to irritate the witness from the very outset. Had Miss Cruede known as much about law as did the former Judge, she would in all probability have made it more interesting for him. Because of space, I would like to pass over many passages of arms between the two, but that the case may be fairly dealt with, it is necessary to give many of these exchanges of compliments.

In reply to the opening questions of Mr. Daniels the witness said that she was born in Pueblo while her parents were making a tour through Mexico. Their home was in England, where her people had been for several hundred years. Her mother died when she was a little girl, but she did not know the year of her birth, although she was at that moment, as told by relatives, in her nineteenth year. She left for college when she was nine years old, afterwards going to the Convent of the Sacred Heart in Moula, in the south of France. She traveled considerably after leaving this convent, going

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to Spain, France, Italy and England, but always with relatives. When about fourteen, she lived in Paris with Chilean friends, a great painter named Correa. Then she went to India.

Lasar's lawyer, be it understood, was not over-nice in the propounding of these questions. There was always a significant ring to his inflection that left no other inference than that he was trying to make it appear that the girl was of no great moral account, and that her mode of living from the cradle to the moment she took the stand left much that was questionable. Being a spirited girl, she chafed under the ordeal, and those given to mind-reading had no difficulty in predicting a clash between the lawyer and the witness before they had proceeded very far. To remarks of Mr. Daniels like, "Answer my questions simply, and you and I will get along very well," the witness stifled her wrath as best she could; but finally the girl could contain herself no longer, and to the question of "With whom did you go to India, then?" she exclaimed, with face as white as snow:

"Sir, I do not want to answer your questions in that way. I do not see that your questions have anything to do with the diamond case. If you ask me any questions as regards the diamond case, if you have anything to say against me, you may say it. I will answer any questions that you may ask as regards the diamond case. Any other answers I am not bound to give you or any other

counsel. I am willing to answer any question you put to me as regards Mr. Lasar or my character, but you must not bring my family affairs into any court of law. They have nothing to do whatever with the diamond case. My family, my father and mother, are dead, both of them. Their memories are sacred to me, and you must not bring them up, either to me or before any one in this court. I think it is against the law—I do not know. I am not bound to answer your questions. I will answer you anything that is fair. Anything that is unfair I will not answer."

"Are you through?" asked Mr. Daniels, with marked mockery.

"Yes, sir," said the witness, "I am through."

"I shall see that no improper questions are asked of you," said Judge Brown in a fatherly way.

"Sir, I do not think my family affairs as a child have anything to do with this case," said Miss Cruede.

"Possibly you mistake the intent of the question," remarked the court, hoping to conciliate both sides.

"I do not know, sir," announced the witness humbly.

Mr. Wellington, in the hope of patching up the affair, said: "Miss Cruede, what you must answer or not answer comes from His Honor, and when it touches upon things you feel deeply about you

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may appeal to him, and he will instruct you, but we want you to answer fully anything His Honor thinks competent."

"I propose to ask any question I deem proper," said Mr. Daniels.

"I want to know if it is a question of my past life or a question of the diamond case?" demanded the witness.

"I am not going to tell you. I am going to ask you such questions as I think proper," said Mr. Daniels, with a pronounced rest upon the personal pronoun. Then he asked: "Will you state your age when your father died?"

"About seventeen years," responded the witness.

"Where did he die?"

"He died abroad. These are questions that I do not care to answer."

"Tell His Honor, please," suggested Mr. Wellington.

"Never mind," said Judge Brown. "He died abroad. That is sufficient."

"She only wants to answer such questions as she pleases," said Mr. Daniels.

"But," said the witness, "there are some questions that hurt."

"Yes," remarked Mr. Daniels, "and there are some answers that you give hurt. You are on the stand. I want to treat you in a perfectly gentle-

manly way, but you must behave yourself on the stand."

This brought General Wellington up, who said: "I do not think that is fair. This young lady's father committed suicide and she feels very deeply about it, and I think these things should be fairly treated."

"You went to India with Mrs. Le Strange and her family. Now, what year did you return to England?" Mr. Daniels then asked.

The fire of Becky Sharp arose to a conflagration in the witness, and she made answer:

"I do not care to answer these questions, sir."

"Oh, yes," interposed Judge Brown.

"No, sir, I cannot answer all these questions," said the witness, her face filled with determination.

"You are required to answer," was Judge Brown's comment.

"Is it a question of my life?" begged the witness, with beseeching eyes.

"Certainly," said His Honor.

"Well, I won't. I object. I cannot answer such questions. There is no reason, really, why I should not answer, but I do not care to answer. That is all."

"Well, as nearly as you can," pleaded Mr. Wellington.

"No, no, no," said the witness. "I will not answer the questions."

There was a long pause, during which the legal

talent looked at one another in a hopeless sort of way, and finally Judge Brown asked to have the question repeated to the witness. It was not thought that she would reply to it, but she said at last that she did not know, and everybody heaved a sigh of relief. Mr. Daniels then demanded to know why she had refused to answer the question if she did not know, and she made reply:

“Because I object to the questions you put, all along, not one question more than another, not the last question more than the first. I object to the whole.”

There was no mistaking the temper of the witness by this time, and to the hundreds of questions that followed she either replied “I do not remember” or “I have not the slightest recollection.” At that particular time there was no question as to the wisdom of Tuke’s lines when he said:

“He’s a fool who thinks by force or skill  
To turn the current of a woman’s will.”

But, then, the questions of Mr. Daniels were unusually aggravating. The learned Judge was obliged several times to call a halt in the line of questioning, but the chief counsel for the smuggler would not down, until finally Mr. Wellington had to say:

“I think the time has come when we ought to circumscribe that sort of thing. While it is proper

to go far enough in the history of the witness to establish the general history and character, the individual trips, how long they stayed in hotels, the whole history of their lives I believe has never been tolerated by any court. If they want to discredit a witness, there are ways of doing it, and it seems to me I have been pretty patient and have allowed about as full latitude as ever has been allowed in any case, and I now object to further inquiry on this line. He should go direct to the testimony in chief and cross-examine about it."

This brought a bundle of skyrockets from Mr. Daniels, who said:

"I am not indebted for my friend's patience, and I do not wonder at his impatience. I am on my rights to find out all about the antecedents of this witness. I have a right to do it. She comes on the stand here voluntarily. She comes over here from London under pay, three hundred pounds—fifteen hundred dollars. She has come here to betray a man who she says promised to marry her. Now, I submit I have the right to go into the antecedents of this lady, and I am doing it in as tender and careful a way as I can. If the court stops me, I must stop. Now we have got her here in New York where I can confirm or contradict her."

Miss Cruede's face became ghastly white when Mr. Daniels referred to the sum that the Government had guaranteed her to come to America. The

color left her lips, her eyes blazed with a fire that must have been burning her innermost soul, and with the reference to her betraying Lasar she attempted to rise in her chair, but fell back when Mr. Wellington waved his hand at her. There was no stopping her, though, when Daniels had ceased, and with trembling lips and shaking limbs she rose from the witness chair. She had worn a sailor hat to court that morning and had taken it from her head and laid it down alongside the witness chair as she took the stand. As she rose, shaking like an aspen, to do nobody knew what, her hair in some mysterious way became unfastened and fell in a great mass upon her shoulders and back.

Several attendants of the court, fearing that she meant the lawyer bodily harm, sprang forward to grasp her, but she waved them off, and, pointing her finger at Lasar, who sat some twenty feet away, she shouted:

*"If I am not to be believed, ask Max Lasar to get up and swear before his God, who is higher than we are, whether I have spoken the truth or not. Will you get up? I am not even angry with him. I have not even betrayed him. I won't go against him, but I must tell the truth."*

Expert minds agree that it was one of the most dramatic scenes ever enacted in a court of law. Lasar blushed to the roots and attempted to brazen it out, but could not withstand the wild stare of the girl he had wronged. She took her eyes from

him not for a second while she was speaking, and when she returned to her chair everybody seemed to be struck dumb with the sensational scene. At length Judge Brown said:

"You have asked the question and you are bound by her answer. I have been very patient with an examination of this kind, in a case all directed to one inquiry. It is in the discretion of the court, and I shall exercise it reasonably in your favor, and I have to what I think an unreasonable extent.

"A few moments ago I said I would allow you to continue the examination of her where she had been up to the time of this transaction, but that must not be pursued unnecessarily. If you have any specific foundation for the line of inquiry, you have the right to direct the witness' attention to that and ascertain it, but in a general way I must say that very much of what you have asked has been a roving examination."

"Necessarily so," said Judge Daniels, seeming not subdued.

"I overrule the last question," was the decision of the court.

"What party did you go to Canada with?" asked Mr. Daniels, as *chic* as ever.

"I do not intend to tell you, sir," replied the witness. "I am tired of answering."

"Have you any special point to prove in regard

to these inquiries you are making?" put in Judge Brown.

"Certainly," said Mr. Daniels.

"Well," was the opinion of His Honor, "I do not see in your examination any indication of it beyond the mere examination. I mean, have you anything in mind to which you wish to bring the witness' testimony and found her testimony upon? If it is a mere fishing inquiry, I believe we have had enough of it. If you have any specific thing which your examination is directed to, I shall most likely allow it. She tells you she went with friends to Canada."

"I want to know the names of the friends," said Mr. Daniels.

"I exclude it," said the court.

Another account was being summed up for the lawyer, however, though he was not aware of it. This took shape in a reference by the witness to that distinguished blackguard, Gold, the hired friend and intimate of Lasar, whom the latter sent to the girl's boarding-house in Liverpool to spirit her away from Agent McCormack.

Gold, as told in a previous chapter, worked upon the feelings of the girl by saying that enemies of Lasar were trying to get her to tell falsehoods about the smuggler. All that Gold wanted was to get the poor fool of a girl out of the hands of the Government agent. He wanted something else, too, but that is another story that he must some

day answer for personally. At all events he treated the Cruede girl shamefully, and when he accomplished his purpose literally threw her into the gutter. Mr. Daniels did not aspire to the relation by the witness of any of Gold's doings. Dear, no! But he would be insistent in asking questions, and this is how he fell into his own trap.

"And did you live in Liverpool and at Mrs. Bennett's all the time until you took the other trip on which you met Mr. Lasar?"

"No, sir," said the witness. "I was not living with Mrs. Bennett at the time I left. I lived with Mrs. Bennett up to the time that Mr. Gold took me away—Mr. Lasar's friend," said the witness.

"I move to strike that out," demanded Mr. Daniels. "It simply shows the animus of the witness."

But the court unconsciously added fuel to the fire by asking:

"Was this after the Labrador trip?"

"Yes, sir," said the witness. "That is the time I lived with that lady."

"Did you not live in Montague Street, Russell Square, London?" asked Mr. Daniels, with an expressive shake of his head.

"After, sir," declared the witness. "After Mr. Gold came to London and took me there and left me there. It was Mr. Gold who took me from the hotel."

"I simply asked you whether you lived there."

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“I am simply telling you how I got there.”

Finding that he could not hide the skeleton of the Gold matter in Lasar’s closet, the latter’s lawyer then asked:

“You went to London with Mr. Gold?”

“Yes, sir.”

“How many weeks was it that you stayed in Liverpool?”

“I have other things to explain before I can say I went to Mr. Gold.”

“Just answer the question. That is what you are here for. I don’t know why you want to explain anything. You stayed in Liverpool some four or five weeks!”

“Yes, sir.”

“Where did you stop in London when you went with Gold?”

“At the Holborn Viaduct Hotel.”

“You went first to the Holborn Viaduct?” asked Judge Brown.

“Yes, sir, with the friend of Mr. Lasar, Mr. Gold, who took me there.”

Then followed a long encounter between counsel as to the right of Lasar’s lawyers to have several letters, claimed to be written by Miss Cruede, admitted as evidence. Miss Cruede denied that the letters or envelopes were in her handwriting, but admitted that she wrote a number of letters to Lasar from England after she left him in New York. She likewise admitted that while in Lon-

don with Gold she signed a paper at his solicitation without knowing the contents of the same.

It transpired, however, that Gold had put up a job on her, as one of the lawyers expressed it, the paper she signed being intended as a certificate of his good character from her, and also many other things that were hardly true. Concerning these letters, the principal evidence educed was as follows.

## CHAPTER VI

"BEFORE spending much more time about these letters, I must ask you whether you claim that they are connected with the diamond case?" was the query put by the learned Judge.

"Yes, connected with the case," remarked Mr. Daniels.

"That will not do," said Judge Brown. "Are they connected with the diamonds?"

"I will let Your Honor see them," gravely remarked the leading lawyer for Lasar.

"I shall have to rule it out under objection if they are not connected with the diamond business," was the decision of the court.

This brought Mr. Crane, the assistant to Mr. Daniels, into action, and his rapid-fire guns gave out the following:

"Suppose any one of these letters attacks the credibility of this witness for veracity? Suppose it contradicted some of her statements? Suppose it showed a different state of facts with regard to her journey?"

"You have laid no foundation for that as yet," Judge Brown said. "I shall exclude it still unless

you do. You have not asked whether she has said or written so-and-so. Then you may do so. Simply as independent writings they would not be admissible unless they are connected. It is for that reason I do not want to spend much time on anything that cannot be used in evidence."

"Am I not entitled to ask whether she wrote to Lasar, 'I hear you are in trouble, and they are trying to get me to tell lies about you?'" asked Mr. Daniels.

"No," said His Honor. "You cannot get a letter in that way."

In the sparring that followed an exposé of how the wicked Gold managed to get the witness to sign a paper to aid Lasar was made. It came about in this way:

"When you got to London with Gold you have stated where you stopped. Now, please look at this signature and state whether it is your signature."

"No, sir, it is not my signature," said the witness, adding, after a pause, "May I look at it again?"

"I have no objection to your reading the whole of it now to refresh your memory."

Miss Cruede read the paper and then said: "I have never before seen this paper."

"Does it look like the paper you signed in London?"

"I did not see the paper in that way. I was

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asked to sign a paper. May I explain how I attached my name to the paper?"

"I did not ask you that," shouted Mr. Daniels; and then, seeing that he was rapidly getting into shoal water, he announced that he desired to withdraw the question.

Mr. Wellington then interfered with: "Now that the question has been asked and partly answered I insist upon her answering in full."

"Yes," said His Honor, addressing Mr. Daniels, "you stopped her, and I allow her to explain her answer, unless you wish it all stricken out."

"Strike the question out, 'Does that look like the paper?'" announced Mr. Daniels. Then he asked the witness: "You went to London when Gold took you there?"

"Yes," said the witness. "I could not go before he had paid my bills to go there, because I had not been doing anything. I had to live there by putting away and selling every article of jewelry and every article of clothing I could spare. That is how I lived from the time I left Lasar until I left there."

It may be said in this connection that Gold had told the girl, among other things, that Lasar had sent him for her; that he was to supply her with money, which he said Lasar had furnished; and, believing that the man was speaking the truth and that her old lover had not forgotten her, after all, she decided to go, but was unable to leave until

her things had been redeemed from pawn. The only purpose that Gold had, beyond a more selfish one, was to spirit the girl away so that McCormack or myself could not lay hands upon her. This will explain why Mr. Daniels received the last answer with no great favor, and when it had been made he looked savagely at Miss Cruede and asked:

“Are you through?”

The witness said she was, smiling as she said so. This irritated the rotund lawyer the more, but he had to keep his temper at any price upon his comfort. Then this was his next query:

“Had you any occupation when you met Mr. Theobald for the first time?”

“No; I was looking for one,” said the witness.

“Then on the promise of three hundred pounds you came over here?”

“The money was to me a second consideration,” was the answer to Mr. Daniels’ question.

“I move to strike that out,” said Mr. Daniels before the full importance of the answer dawned upon him. Suddenly, imagining that he had caught the witness in a bog-hole, he exclaimed condescendingly: “Never mind. Leave it in. It doesn’t make any difference. If money was a second consideration, Miss Cruede, what was the main consideration of your coming over here?”

Mr. Daniels drooped his left eyelid suggestively to his law partner as he put the last question, as

much as to say: "Well, I have got her into a nice mess, and just watch how I shall make her dodge the question." Miss Cruede looked the little counsel straight in the eye as she made reply:

"The main consideration was that I was being watched. I did not want any more Golds following me, and I did not want to be under the supervision of any other man, of English police, or of American police. I was tired of it. I found it was better for me to tell the truth. I did not ask for compensation."

My! but it was a scorcher, right into the vitals, as the chap said when he poked his elbow into the business side of the man with the big stomach. It made the lawyer for Lasar think twice before he asked another question. He was in an inquisitive mood, though, even though he was getting the worst of the little engagement. That is why he finally asked:

"Who offered you compensation?"

"Mr. Theobald said that the Government would give me so much money," replied the witness. "I did not ask for the money, and he said they did not expect me to come over here for nothing. I said that the sum was altogether too much. He did not tell me what I had to say."

A long argument as to the admissibility of certain evidence regarding the chaperon of the witness on the trip to this country followed at this stage in the proceedings. The court would not

permit the counsel for Lasar to question Miss Cruede very much on that score, giving as a reason that anything affecting the chaperon occurred after the diamond seizure, and could therefore have no material connection with the case. Mr. Daniels made plea after plea to question along this line, but Judge Brown shook his head in the negative each time. At last Mr. Daniels said:

"Now, I propose to show in a general way that this lady, the chaperon, has been in the Government service, paid regularly by the Government; that she has had charge of this witness ever since she has been here; that she has occupied the same room with her; that she has never gone anywhere without her; and that the Government has had complete supervision and control over this witness since she has been here."

"All of that has already been proved," was the comment of the court.

Mr. Daniels, about that time, was evidently trying to convey the impression that it was a fearful crime for the Government to keep the witness in the hands of such a dangerous thing as a chaperon; that the witness and her companion had even occupied the same stateroom on the way over; and that, horror of horrors! they had even slept in the same bed when at various hotels. What was the chief outrage upon Lasar and his counsel, however, was that the witness was not turned loose into their pasture that she

might be plucked by the human buzzards. This, at least, would have prevented her appearance at the trial, and undoubtedly the Government would have had a very weak case without Witness Cruede. Counsel for this blackguard did not refer, however, to the fact that for months before the trial every human agency that Lasar could employ was flaunted with brazen effrontery before the eyes of the Government officials in the hope of seducing the witness or in spiriting her away. It was therefore no difficult thing to understand why the puissant lawyer for Lasar did not relish the admission that the witness and her chaperon had slept in the same bed.

Besieged with questions as to her movements with this chaperon, the witness related in detail every moment of her time from the day she arrived in the metropolis in the steamer Cymric until she again made her appearance in New York, after having succeeded in keeping the cowardly Lasar at bay. The Government's case lost nothing by the telling of the story, although Mr. Daniels tried hard, if not altogether cleverly, to make it otherwise. At its conclusion the court said to Mr. Daniels:

"I assume as a matter of course that the Government having brought a witness here at such expense would keep its eye on her. Mr. Wellington, have you any objection to admitting that from

the time she came here until this minute she has been under the supervision of certain people?"

"That may be spread on the record," said Mr. Wellington. "I claim, however, that it is totally incompetent, but the fact is undoubted."

"Then I shall rule the whole thing out," said the court.

"Also the reference to the chaperon?" queried the counsel for Lasar.

The court did not make any further reply on this point, so Mr. Wellington said as a clincher:

"I am willing to say in addition that the chaperon has been with this witness at all times. Perhaps I should add that there has been with them at all times a secret agent of the Treasury Department, going with the two ladies to protect them from attempted effort to either injure or abduct the witness."

I know that Mr. Daniels did not enjoy hearing this truthful utterance by the Government attorney, but he had invited that sort of trouble and had to grin and bear what he got. It looked as if he had had enough of the affair when, a few minutes later, he stepped back and turned the witness over to Mr. Wellington for the re-direct examination. The United States attorney asked the witness a number of questions about her relatives, which she readily answered. Similar questions had been asked by Mr. Daniels, but she had refused to reply. So Mr. Wellington inquired:

"Are you willing to state to the jury, with the courtesy and permission of my friends, the reasons why you were not willing to give the persons and names of your relatives and friends on the occasion when questioned by the other side and you refused to answer?"

An objection was raised by Mr. Daniels, who said he was not permitted on cross-examination to go into the subject, and that, in addition, the question called for a conclusion and operation of the witness' mind. The objection was overruled, and Mr. Wellington asked:

"Now give to the jury the reason why you objected and were unwilling to give those names."

"Because my people already know something of the Lasar affair, and they refused to give me anything, telling me that if in future——"

"Never mind that. Simply confine yourself to the reasons why you were unwilling to state them."

"I did not care to have their names in this affair, as they knew nothing at all about these proceedings. That was my only reason."

"You have been asked about seeing certain persons in London. Miss Cruede, I understood you to say that you saw Mr. Theobald. You had before that seen Mr. McCormack?"

"Yes, sir, before."

"And Mr. McCormack had tried to induce you to come here as a witness?"

"Yes, sir."

"And after that Mr. Gold came and saw you? Came the same evening that Mr. McCormack came there?"

"Yes, the same evening."

"And induced you to go to London?"

"He told me——"

An objection resulted in the question being withdrawn, and Mr. Wellington then asked:

"I asked you whether you did go off with him to London the same day you saw Mr. McCormack?"

"I went to see Mr. Lasar in London with Mr. Gold. I was led to believe that Mr. Lasar was there and that he wanted to see me."

"Then after that, while you were in London, you saw Mr. Theobald and made the arrangements with him to come to this country?"

"Yes, sir."

"Did Mr. Theobald or anybody else on behalf of the Government of the United States at any time or anywhere indicate to you what you were to testify in this case?"

"Only yourself, when you told me to go into the court and say—you said, 'Miss Cruede, you must go in and must go on the stand and must tell the truth.' "

Mr. Crane, in behalf of Lasar, arose and inquired of Mr. Wellington if he wished his conversation with the witness to go in.

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"No, indeed," remarked Mr. Wellington, laughing. The question was again read, and the witness replied that nobobdy had told her what she was to testify.

Mr. Daniels, in his re-cross-examination, asked Miss Cruede if she was aware that her chaperon had at one time lived in Detroit. The witness made answer:

"I never saw the lady and never heard of her until I saw her the day I sailed and was introduced to her."

The witness then left the stand, and as she did so caught the eye of Lasar staring at her. She went by without even passing him the time of day.

The last day of the trial she was called again to the witness stand on the request of Mr. Daniels, who desired to put her through the paces again regarding certain letters and on the letters in his possession which he claimed she had written. The Judge asked the witness:

"Is this envelope in your handwriting?"

"It looks like it, but I don't think it is. It cannot be mine. All my letters to Lasar were returned to me."

"Now, I ask the court to rule whether I have an opportunity to see these letters and envelopes," said Mr. Wellington.

"I think he should show them," said His Honor.

"Not until I offer them in evidence," replied Mr. Daniels.

"I think so," ruled the court.

"We may not get them in as evidence at all," announced Mr. Daniels.

"Unless you do it now I shall not permit anything further about them—any comparison," was the decision of Judge Brown.

"Here is another envelope," said Mr. Daniels, holding one up to the witness and ignoring the decision just made. "Will you look at that and see whether it is in your handwriting?"

The presiding Judge then said: "I shall cut short the examination if you do not obey the direction of the court. I have suffered you to call this witness for cross-examination. If you ask questions on exhibits and do not show them I shall not permit you to ask anything further."

Mr. Daniels apologized, and then asked the witness:

"Is that your handwriting?"

"It is a good copy," said Miss Cruede.

"Answer the question," directed the court.

"My letters were returned to me. How can those be my letters?"

"Is this in your handwriting or not?"

"It is not."

"You say it is a good copy?"

"Yes, it is a good copy."

"These are all copies?"

"I was told my letters were copied when the

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others, which were originals, were returned to me by Mr. Gold."

"I move to strike that out," said Mr. Daniels.

It was stricken out by order of the court as not being evidence.

By the direction of the Government's attorneys Miss Cruede was recalled to the stand November 23, and Mr. Wellington asked her:

"Miss Cruede, you have stated that you had written letters at various times to Max Lasar. Do you know what became of those letters afterwards?"

Mr. Murphy objected, and the court said: "The objection should not be sustained, for the reason that this matter was wholly brought out by your side in showing her letters, which it is perfectly proper should receive some explanation, if she wishes to make any, or if the counsel desires to make any explanation about it.

"One point of view why I think it is proper that the witness should answer this question is in explanation of her previous statement when the envelopes were shown, and she said the address on some of them was in her handwriting, but that the letters were taken from them, and she said they were not in her handwriting.

"Anything which might clear up any suspicion about that, or about her testimony upon such a point as that, I think should be offered. It is not so much what became of them, but it is an explana-

tion of her statement that the letters taken from her envelopes, which she admitted were her handwriting, were not hers. Ask her how and when the letters were returned to her."

Mr. Wellington acted upon the suggestion, and the witness made reply:

"By Mr. Gold, on the evening that he arrived in Liverpool to take me to London."

There was an objection on the part of Mr. Daniels to further questioning along this line. Doubtless the lawyer thought that it was getting very, very hot, as the children say at play, when they approach anything they are in search of. The court gave this opinion as to the rights of both sides:

"I am inclined to think she has a right to state what Gold said to her as a part of the act of return. These are letters addressed to the claimant here, and presumably they came from him, entrusted by him to Gold, and I think what he said in giving them back to this witness is a part of that act. I allow the question, 'Where were you when the letters were returned to you?'"

"I was on the train going from Liverpool to London," answered Miss Crude. "But there is an explanation needed. When Mr. Gold came to Liverpool and sought me he said he was a friend of Lasar and had been sent by him. I said to him: 'If you are a friend of Lasar, then give me some proof.' He said: 'Oh, come out into the other

room. I have lots of proof.' We went into the other room, and he opened his coat and removed from an inside pocket a large pile of letters. 'These are your letters to Lasar,' he said. I could not see the writing upon the letters very well, and I said to him: 'Come into the light and let me see.' He made reply: 'No; I will show you these upon the train when we go to London.'

"On the train he again held the bundle of letters up to my view, and I asked him if they were my letters, and he said they were. I asked him to let me see them, and he gave me the bundle. I inquired of him: 'Did Lasar give you these letters?' He said: 'Yes, he gave them to me to show you that I am his friend.' I was quite angry over it all, I admit, and said: 'If Mr. Lasar does not know how to keep my letters, written as a girl, I will keep them.' He laughed and exclaimed: 'Ah, but we have copies. It is all right.' This is all I know about it. I kept the letters and subsequently destroyed them all. There were only a few envelopes among them. I asked Mr. Gold for the other envelopes, and he said that they had been destroyed."

Mr. Murphy then asked the witness: "Miss Cruede, did you keep account of all the letters that you wrote to Mr. Lasar?"

"I had written one letter every week, and on looking over those letters I found that there was a

letter for every week up to a month before Mr. Gold had come. That was the month I had not written. I was tired of writing and had not written. So that all my letters sent from Liverpool were returned to me by Gold."

## CHAPTER VII

WITH an idea of showing that Mr. Armstrong, acting as the agent of Lasar, offered for sale some diamonds at a price below their real value, some of the identical diamonds that Lasar smuggled into this country by way of Canada, the Government called to the stand a diamond broker doing business in Manhattan, who had known Lasar for some years, but knew him personally up to that time about four years only. The witness said that he had had a diamond transaction with Maxwell in November of 1895. All reference to the purchase of diamonds by the witness from Maxwell was strenuously objected to by Ed Murphy, of counsel for Lasar, and when the matter had been referred to the court for a decision as to its admissibility, Mr. Wellington argued as follows:

“I purpose to show that on this purchase from Maxwell the payment was made directly to Mr. Lasar and the receipt given by Lasar for the purchase money of these very diamonds.”

“This is the question that is propounded to the witness: ‘Did he have a sale of diamonds between Maxwell & Armstrong?’ Now that is clearly in-

competent. The firm of Maxwell & Armstrong has not been connected with the claimant," commented Mr. Murphy.

Judge Brown interrupted at this stage and said: "It would be alone, undoubtedly. They say they expect to show that the payment for it went directly to Lasar. That is the only ground on which I can receive it. If he states that, was it not a transaction with Lasar?"

"Yes," admitted Mr. Murphy, "but that does not connect it with this case. *Non constat* Maxwell & Armstrong may have guilty goods of some one else. That does not bind us. It strikes me that they have got to confine their evidence to these alleged smuggled goods. They cannot traverse over the market. If you go into evidence it opens quite a wide field."

Mr. Wellington replied to this by saying: "In the first place we will show that some of the diamonds seized and now held by these parties were offered for sale by Maxwell and identified as such. We propose to show that immediately after the arrival of these parties and of these stones that we have shown in Canada they were offered by the agent of this man Lasar at prices that honestly imported diamonds could not be introduced into the market; that these very stones thus offered and sold by Maxwell were paid for to Lasar and the payment acknowledged by him at these prices, and that the legal inference and presumption that

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arises when stones are offered at such value and the contemporaneous circumstances are such that the jury and Your Honor will have the right to presume that they were thus introduced. Further than that, that this man Maxwell was the man in possession of the property, or semi-possession of the very property seized, and that some of these diamonds, the same numbers and characters that were seized and that were shipped from the other side, were the stones offered by him to various merchants. We can only do it step by step, and one link in the chain of evidence is this offer for sale and this payment to Lasar."

Judge Brown said: "I must assume that the proof of the relation between parties circumstanced as the claimant and those who may have been with him is not always the most easy, and that any evidence which has a bearing to show a relation between them is competent for showing the relation, whether of agency or whatever it may be.

"I assume that Maxwell & Armstrong would not be very willing witnesses if they were called here. The Government is not bound to put them on the stand as the only way by which the relation between them and Lasar, if there be any, can be proven. I do not think I can exclude it."

The witness was called upon to identify a check drawn in payment of the purchase from Maxwell. The check was made out to the order of M. J.

Lasar. He said that it was the check he had sent to pay for the purchase. He likewise identified a bill or statement of the amount of the purchase which had come back to him receipted with the signature of Lasar. To the question as to why he had made out the check to Mr. Lasar, the witness answered that it was because Lasar was the seller of the goods. Mr. Wellington then asked the following pertinent questions, which, with the answers, must be given to show that Lasar had engaged in this final end of his dishonest transaction:

“How many brilliants did you buy at the time of this purchase from Mr. Maxwell or through Mr. Maxwell?”

“Ninety-four brilliants.”

“What description of diamonds were they? Can you tell the color and size?”

“They were what are called light two-grainers in the trade. A quantity of diamonds were exhibited to me. I should imagine they represented a value anywhere from fifty thousand dollars to one hundred thousand dollars. Generally the stones I saw were very small stones, very large stones, very imperfect stones, slightly imperfect stones, perfect stones or nearly perfect stones, yellow, brown and blue-white. The stones I bought were obtained by me for thirty-seven dollars per carat.”

Following a long wrangle as to the question of the witness being competent to decide upon the

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value of diamonds, considering the market's fluctuations, the court decided that he was qualified to answer.

"What was the value of these diamonds in this market, duty paid, in your judgment, per carat?"

"My opinion at the time was that with the payment of duties they would cost about that price to lay down here. From information we had at that time I should judge that it would have been about our cost if we had paid duty on the goods."

This conveyed the inference that the goods, if duty had been paid, could not have been sold with profit at thirty-seven dollars the carat.

"Did you ever again see any of the goods which Maxwell showed to you and which you did not purchase?"

"Yes, at the Collector's office in the Custom House. I recognized two small papers which I had examined very carefully when they were shown to me by Mr. Maxwell."

"When Maxwell offered you these diamonds for sale what did he say to you about these diamonds?"

The diamond merchant was about to answer, when counsel for Lasar raised an objection on the ground that no connection had been established between Maxwell and Lasar. The court said:

"I think there is an association established between the diamonds purchased and the lots seized. It is sufficient, as respects these diamonds, to ad-

mit the conversation of the witness with the man who had possession of them at the time when they were shown and when the sale was made. The possession and handling of the goods is presumed to be with the consent of anybody that comes in as claimant, and that presumption holds until there is some contrary evidence.

"You may show that these goods were surreptitiously obtained by Maxwell—that they were stolen. Until something of the kind is shown the presumption is that the person having possession of the property has them with the consent of the owner. Such person's conversation and acts are a part of *res gestæ* and are admitted."

This decision admitted the original question as to what Maxwell had said as to the ownership of the goods at the time of the sale. The witness answered as follows:

"Mr. Maxwell said he was very anxious to sell me some goods, as Mr. Lasar had quite some goods on hand. Maxwell said that he intended to leave Lasar about December 1 to go into business for himself, and that Mr. Lasar had asked him to dispose of as many of these goods as possible before he left, as he was a very good salesman and could sell more goods than Mr. Lasar. There was no talk of ownership. He simply said that he was selling these goods for Mr. Lasar."

"I renew my offer of these two diamond wrapper papers as a part of the transaction, as com-

petent as merging into the sale," announced Mr. Wellington.

"We renew our objection," said Mr. Crane.

The court made the following decision regarding the two papers:

"I will receive them. I will receive all of these papers except the signature of Mr. Lasar, for nothing more than as showing that these papers passed between the parties in this dealing with reference to these diamonds. Therefore they do not operate as a receipt. The signature of Lasar is not received in evidence. That leaves it open to the jury, if they should act upon them, to say that the signature is not that of Lasar. That is a possibility."

"I think we ought to interpose the objection to the check, particularly on the ground that the paper is not complete," said Mr. Crane. "It appears something is torn away from it—the signature, I suppose. If it is to go in evidence, that is an objection I want specially noted on the minutes."

"Mr. ——," said Mr. Wellington, "this paper seems to have some marks of cancellation at the bottom. Can you explain that?"

"When our checks are returned from the bank, after they are looked over we generally cut off the signature. In the ordinary course of business I suppose it was done in that way. The name of our firm was originally on the check, and that was the

name in which the bill was rendered. The check will show that we got a deduction of four per cent. on that bill of goods."

Mr. Crane then took the witness in hand for his cross-examination, and these interesting facts came out:

"You have had considerable business dealings with Mr. Lasar in years past, haven't you?"

"I have not."

"Did you ever sell any of your goods at cost?"

"Possibly."

"So that there was nothing extraordinary in the fact of your making a purchase from Lasar, knowing that he was in the trade?"

"Well, if we were to sell goods at the cost, it would be goods that were not staple. These goods were staple goods."

"That is not the question I asked you. I asked if there was anything extraordinary in your buying a bill of goods from Lasar. I move to strike the answer out as not responsive."

"I think it is," said the court.

"The goods you saw in the Appraiser's office you say you recognized?"

"Yes. They were a peculiar class of goods not very often seen in the market, of this color. They were very finely cut."

"You have seen other goods of the same kind in the market before, haven't you?"

"I have very seldom seen this class of goods

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the same as the two papers were, as finely cut and as clean and as perfect as these two papers were."

"Have you ever seen goods of the same kind?"

"No, I cannot remember that I have seen any goods just of this description. They were of a very, very light brown and they were cut very fine. They were very shallow and the stones were perfect, and I examined them very closely at my office, especially as Mr. Maxwell had told me that some other firm had made some offers on them, and I liked the goods, and so I examined them very closely."

"Will you swear positively that the goods which you saw in the Appraiser's office were the same which you were shown at the time of the purchase?"

"I can correctly and conscientiously swear that these goods were, in my opinion, the same."

The witness was then turned over to Mr. Wellington for re-direct examination, and he was asked by that lawyer how the goods were exhibited to him by Mr. Maxwell. He said that they were contained in two black wallets, and upon being shown the wallets taken from Lasar's safe at the time of the seizure and asked if the wallets shown to him were like the ones then exhibited, he replied that they were similar. They were ordinary diamond dealers' wallets, he added, but he was unable to swear that the wallets shown him

in court were the identical ones he saw when in the company of Maxwell.

To establish the fact that the diamonds seized from Lasar were worth a certain sum of money, and were the identical stones that he appraised to get this value, the Government produced on the stand the late Gen. George W. Mindil, an examiner of precious stones at the Public Stores. Notwithstanding the fact that Mindil had spent more than twenty-five years in the trade, both as proprietor of a large establishment and as an employee of the Government as an expert of diamonds, the counsel for the claimant dug up all sorts of supposititious cases to try to make it appear that the aged expert did not know any too much about precious stones. In this case Mr. Lasar's lawyer failed, for the reason that Mindil was a peer in his own line of work and had few equals in the world. Mr. Danby conducted the inquiry for the Government. The witness said that he remembered distinctly making an examination of the diamonds claimed by Mr. Lasar, and that following the examination he made a report to the Collector of the Port on December 11, 1897. The examination took place at his office in the Public Stores, and he figured it out that the foreign value of the diamonds claimed by Lasar was \$52,712.18, to which would have to be added ten per cent. for duty, if paid. He examined fifty packages of diamonds, the witness said, and he

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filed papers as to the value of each package and the weight of the same.

There were other precious stones, consisting of rubies, opals, sapphires and emeralds, in the packages, and he recalled from memory that the opals numbered eighty-two. In his statement of the appraisement he devoted the first column to the numbers found upon the papers containing the diamonds. The second column of figures was given over to the weights marked upon the same papers, and these weights were verified by actual weight on the scales. The third and last column in his statement to the Collector contained, the witness said, the figures per carat as he estimated their value and the sum total. All the diamonds were cut, but unset. The whole was a very fair lot of goods, such as are commercially in the market at all times.

General Wellington then asked the witness: "At the time you made the examination and drew up a rough memorandum from which your official statement was made, you carefully noted in your rough memorandum the particulars as appear here, and you afterwards compared them yourself?"

"Yes," said General Mindil. "In addition I weighed the stones myself, in the presence of Mr. Lasar and an expert he brought along, so that there would be no trouble as to the agreement of

prices and weights. I consider the figures as set forth by me to be absolutely correct."

Mr. Daniels asked the witness: "Is it not a fact that in a number of instances your scales showed a difference in weight in carats from the weight in carats as stated upon the packages, and that you accounted for it at the time by the fact that the scales were not alike?"

"If there was such a case, it was a very immaterial matter and would not affect the whole invoice five dollars," responded the witness.

"Is there not a variance in diamond scales?" continued Mr. Daniels.

"I have found in my experience from day to day—we pass through millions of diamonds a month—sometimes there is a trifling variation between diamonds weighed in Paris upon the French scales and those weighed in Amsterdam upon the Dutch scales. Of course, we weigh by our scales here."

"General, when you examined these diamonds at the Custom House prior to their being bonded did you recognize any of them as having been appraised by you as having been duly entered at any time before?"

"That is only a presumption on my part," stated the witness.

"On cross-examination I am entitled to your presumption," sententiously remarked Mr. Daniels.

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Mr. Danby interposed an objection, but the court allowed the question for the time. Mr. Daniels, however, twisted the question around to suit his own ideas, and Mr. Wellington objected, the court ruling that the answer could not be allowed unless the counsel for the claimant showed that the witness' presumption made some difference in the performance of his duty.

Mr. Daniels then said: "No. I want to show that some of these diamonds were duly and properly entered at the Custom House and that duty was paid upon them. We seek to bring out that the diamonds were not smuggled."

"No," said Mr. Wellington, "you desire to do nothing of the kind. What you seek to show is that there are eleven or twelve numbers here; that it is conceded on the part of the Government that they, or a portion of them, were properly entered of these seized numbers. Now, there will be no controversy about that. We propose to show that ourselves, and if that is the object, we can shorten this argument."

"My friend wants me to admit that all but these twelve numbers were smuggled. I won't admit it, because that is confessing guilt. If he wants to make that concession, possibly I won't ask anything further."

"We are perfectly willing to concede that a portion of the twelve packages did come in properly and pay duties. Some of them we could not

exactly identify or trace, and we are of the opinion, and we have assumed, myself and associates, that these first eleven numbers were properly imported. It is an entirely distinct body, with distinct numbers separate from the others, and, as far as we could find among those seized, we deemed that they were properly imported and that they had paid duty. The contents of some of them we could not be sure about, because they were not there. They had been sold or disappeared.

"Here is the entry of Maxwell & Armstrong, which I herewith hand to the court, and admit that Nos. 1 to 11 were duly entered and duties paid on them. The difficulty that we find in admitting the whole eleven is that in ten and eleven we do not find the corresponding weights, values and prices among those seized. We assume that those probably had been sold and were not there when we made the seizure. No forfeiture will be claimed as to this portion."

Mr. Daniels then put this conundrum to General Mindil:

"Suppose a lot of diamonds of a certain weight passed through your hands as a Government official, then left your hands and were handed to you again the following day intact—would you be able to swear positively that it was the same lot that you had handled the day before?"

"If the number of stones were the same, and the weight tallied exactly, it would be very strongly

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presumptive that they were the same," was the answer of the witness.

"But you would not be able to swear positively, would you, as a fact?" persisted the lawyer for Lasar.

"No, I don't think anybody would—not where it was a large lot."

General Wellington interposed and appealed to the court, saying that the lawyer for the claimant was trying to make General Mindil his own witness as a general expert on the question of diamonds, whereas the Government had simply called the witness to show that stones in certain papers, weighing certain amounts, were of certain values. Mr. Daniels admitted that he was making the General his own witness, and that he was perfectly willing to assume the responsibility, inasmuch as he had great faith in his ability as an expert. The court thought that the claimant's counsel should be given some leeway. General Wellington then asked the witness:

"Now, you say you could not positively identify the same lot, but presumptively if you found twenty, thirty or forty brilliants of a peculiar shade or color associated together, of a certain size and weight, did you ever figure out mathematically how often exactly that color, weight and association would probably be put together in the transaction of business in life?"

"I don't think it ever could be put together," was the reply of the diamond expert.

"But does not the presumption become a strong one that, if you find exactly the colors and exactly the size," insisted the United States attorney, "it was the same package? I mean, if you examine to-day, and find an association of diamonds of a certain shade of color—brown, blue or pure white—and of exact weight, carefully weighed by diamond scales, and you run across exactly the same thing to-morrow, exactly the same color, the same number of diamonds and the same weight, did you ever figure out mathematically the probabilities that it was exactly the same package?"

"No, I have never figured it out."

"Is not the presumption so strong that in your mind as an expert you would say you had no doubt that they were the same?"

When the court had overruled an objection filed by Mr. Daniels, the appraiser of diamonds made reply.

"I would not have any doubt about it."

"Still, it would amount to a presumption only!" inquired Mr. Daniels in his most persuasive voice.

"It would be so strong a presumption that it would amount in my mind to a conviction," was what the witness said.

"General Mindil," inquired the United States attorney, "during your thirty years' experience in the jewelry business and your three years as

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examiner for the Government did you ever see two separate packages of diamonds, a collection and association of diamonds, say, of thirty or forty in number, that you knew to be a distinct association and collection of purchase, that were of exactly the same number of diamonds, the same weight and same packing?"

"No, sir," was the answer of the witness, given without the slightest hesitation.

Mr. Daniels then asked the expert on gems: "You said that the presumption would be so strong in your mind, if the package contained the same number and each diamond the same weight, each diamond the same shade of color and each diamond the same configuration, that it would amount to a conviction. Is not that simply saying that if the diamonds are the same they are the same?"

"Well," replied General Mindil, "I mean to say that if I saw a lot of diamonds to-day, comprising forty stones, weighing forty and one-quarter carats, the same size, color, the same configuration, the same polishing, and I saw that same lot to-morrow, I should say it was the same lot."

"But if there was any change in it, even of the fraction of a carat, you could not say they were the same, could you?"

"Yes; there might be an error in the weight from the preceding day."

"But assuming there is no special mark or flaw

on a diamond to call special attention to it, is there any positive way of identifying it except by making a plaster of paris cast?"

"If it is a perfect stone in every respect, there might be another stone very much like it. You could not carry it in your mind for a day or two."

General Wellington asked the witness: "The Judge has been asking you about the value of stones. How is that value fixed?"

"By the trade, and that depends upon the supply and demand."

"Is there any particular locality or any particular guild that fixes from time to time, to your knowledge, the value of cut or polished diamonds?"

"There is not, as to the general transactions in them. With the uncut it is different."

"Where is that fixed?"

"Well, there is a syndicate in control of them, practically, on the other side."

"Now, is it or is it not true that it is about the rarest thing in the world to find a pure and perfect diamond that has not some distinguishing mark about it, or defect, if you please?"

"Yes, they are very rare."

"These stones that pass for perfect stones, sold as such, upon a critical examination by an expert, can they not always point out some speck, some little jar, if you will, or some trace that identifies

that from any other stone about the same quality?"'

"Generally, but not always."

"How often would you say, in a purchase of ten thousand dollars' worth of so-called pure brilliants, you would find among those—how many would be absolutely perfect, in your experience?"'

"I could not tell what proportion of them would be absolutely perfect. I would not like to say the proportion. They might be all perfect. If they were selected by an expert, in the first place, with a view to perfection, they might be all perfect. I can imagine a line of perfect diamonds being put in front of me by many of our Maiden Lane houses, if they set out to do that. They would know how to do it, and would select them on a large enough scale to collect a certain number of perfect stones and then put them in a paper together, and they might be an absolutely perfect set of diamonds."

"Did you ever see such a collection?"'

"I don't think I have."

"And among so-called perfect stones being dealt with in the trade, what proportion are absolutely perfect, or what proportion have some marks, defects, or what would you call those that you saw in the packages?"'

"Flaws or feathers. Taking the general run of the trade, I do not think that more than ten per cent. of the diamonds sold are perfect."

"You don't mean to swear to this positively?" inquired Mr. Daniels.

"I was asked an opinion and I gave it," said the witness. "There are other experts in the room who may differ with me."

Mr. Wellington asked the witness: "Is it true, true, or is it not true that there are characteristic features about diamonds to experts that are as distinct and informing as the chart characteristic features of a flock of sheep to a farmer; that is, a farmer could go out and pick twenty sheep, look into their faces, their size, weight and fineness of their wool to-day, and, although they be driven ten, twenty or thirty miles, would see that same flock and say, 'I know that is the same flock'; and he is asked, 'Is it by weight?' and say, 'No, not exactly.' 'Is it exactly by the appearance or the way they walk?' and he would say, 'Not exactly, but the general characteristics.' Now, is not the diamond expert just as able to determine and give his opinion with as much positiveness when he finds certain associations of these flaws and colors and numbers, as a farmer in identifying his flock, in your opinion?"

General Mindil had replied that such was the case, meaning that, like the farmer, the diamond expert would be able to distinguish precious stones that he had examined before, when a howl of objections filled the air. Judge Brown thought that the witness was unable to answer correctly a hypo-

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thetical case of that kind unless he knew the mind of the farmer and he sustained the objection. The next day, when the witness was again on the stand, he surprised the lawyers for Lasar by suddenly announcing:

“I have found, since I was here yesterday, the original appraisement, which I thought was destroyed, in my own handwriting.”

This was a blessing to the Government’s case, and Mr. Danby, quickly taking advantage of the opportunity, said:

“Then we will offer in evidence the original memorandum made at the time.”

“Wait a moment,” said Mr. Daniels, waving his extended hand to Mr. Danby. Then of the witness he inquired: “Didn’t you say yesterday that you thought you had destroyed that paper?”

“I certainly did,” replied General Mindil; “but I found it, and it is there. I am glad of it, too, because it specifies the emeralds and sapphires and other stones, whereas the Collector’s report refers only to them as diamonds and precious stones.”

“Well,” concluded Mr. Daniels, with that superior air he assumes when he tries to win an argument, “it does not matter whether you found it or not. We object to it. They cannot introduce it,” the latter opinion being addressed to the court.

“It is the act of the witness,” remarked His Honor significantly.

"Do you examine all the precious stones brought into this port?" asked Mr. Wellington.

"I do," said General Mindil.

"Have you examined your records to ascertain whether any diamonds imported by Max J. Lasar have ever been submitted to you for examination?"

"I have gone over my record from January 2, 1897, and have found no entry of Max J. Lasar. I have examined none of his goods, with the exception of these in question."

"Did you, upon the latter examination, find any stones that you recognized, or packages that you recognized as having examined before?"

"I did."

"What are you trying to prove?" inquired the court.

"Among the fifty packages of diamonds submitted to him for appraisement at this time," said General Wellington, "he was able to recognize so many of them as having been previously submitted to him for appraisal, as having been imported by Maxwell & Armstrong, and were claimed by them as such, and I want to designate those and separate them from the others."

The court nodded an approval of this procedure, and Mr. Wellington asked the witness if he had examined his records to ascertain if the stones were the same weight and value as the ones that

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had come in previously under the Maxwell & Armstrong entry. General Mindil answered:

"The appraisal I made and set upon them per carat agreed almost identically with the entered value of the goods brought in by Maxwell & Armstrong, although I think some of the packages were not so full as they were originally. Some had been taken out."

"Do you assume that these papers are the same, or that they have changed the wrappers?" asked Judge Brown.

"I assume this," said Mr. Wellington. "The firm of Maxwell & Armstrong imported certain diamonds. They were removed from the original papers and put into these little packages and these marks were put upon them. But from some of these papers certain diamonds had been sold, so that it was almost impossible for us to designate exactly which ones. When the appraiser was appraising them, Mr. Murphy and Mr. Lasar called his attention to some that had been imported by Maxwell & Armstrong. The appraiser, however, found the identification sufficiently distinct to concede that they were those which he had appraised for that firm on these particular numbers."

This brought Mr. Murphy into the breach, who said: "I would like to state that what General Wellington states took place *there* is not the fact. We offered at the time of the appraisement to point out many of these packages upon which duty

had been paid. Our offer to identify the packages was denied, and we were precluded from specifying any of the packages that were appraised at the Appraisers' Stores by the witness on the stand as being diamonds that had been imported and duty paid upon them."

"General Mindil, will you please state what did occur about letting the counsel and the claimant here point out any goods at the Appraisers' Stores?" asked General Wellington.

"The Collector was unusually generous in allowing them to see anything in the matter of appraisal of that kind. Mr. Lasar brought with him an expert in diamonds, and they examined paper after paper. The expert practically agreed with my valuations. We did not differ five per cent. in our valuations. They were not prevented from seeing the diamonds and pointing out. Now that I have my records here, I do not think that any of the fifty packages here in question were regularly imported and submitted to me last year."

"Does Your Honor hold that that statement is in evidence that these diamonds were not properly entered?" asked Mr. Daniels.

"Simply evidence that none has been sent to him, and he says that there was no other appraiser during the period mentioned," ruled the court.

## CHAPTER VIII

ALTHOUGH perfectly satisfied with its work of establishing the fact that Lasar had imported the diamonds unlawfully, the Government decided to improve its chance of winning by producing as evidence the depositions of Isidor Solomon, a diamond merchant of Amsterdam, Holland, and of Louis Neresheimer, in the diamond trade in London, from whom the smuggler purchased some of the goods in question while on the other side. That of the Dutch merchant was taken before a United States commissioner in this country, while the sworn statement of Neresheimer was obtained at the American Consulate in London.

The legal talent representing Lasar raised a storm of protest against the admission into the proceedings of these depositions, claiming an illegality for the whole thing on the ground that they were not parties to the affair, so far as being present when the two men affirmed to the truth of the statements. These depositions created more occasion for discussion by both sides than any other single feature of the case, but the tempest of words ended in the court admitting both documents.

In his deposition Solomon identified in one of his personal books a memorandum made on the date of a first transaction of a sale of diamonds to Lasar. He likewise identified two paper wrappers, one of glazed paper, on which were certain figures, and which he affirmed encircled the package of diamonds which Lasar purchased of him. The court overruled the objections of the claimant's lawyers to the introduction of both exhibits. To the question in the deposition of "What was the character of the stones purchased that day?" Mr. Crane interposed with an objection that the description of the sale was not shown to be the sale of the merchandise claimed to be the subject matter of the proceeding. The court asked these pertinent questions:

"Are not these a part of the goods seized? Do not these packages have their counterparts in the report of the Appraiser?"

Mr. Crane said that there was no evidence to show it, but Mr. Wellington insisted that the Government had evidence to show that the packages mentioned in the deposition were in the Lasar safe at the time of the seizure, and that the counterparts of them, which were empty, bore figures exactly the same. The court announced that it must receive the testimony. The deposition stated that the first sale to Lasar took place on October 5 and was followed by another on October 7, and by others on subsequent dates.

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When the trial was resumed on the morning of November 16 Mr. Murphy proceeded with his argument in opposition to the offer by the Government of the papers and memoranda taken from the safe of Lasar on the grounds that the papers at the time of the seizure did not contain the property which the Government alleged was illegally imported. Judge Brown said:

"The particular thing which raised this question was objection to three wrappers attached to this deposition. There are two that are admitted, and those two papers are the ones which the witness, Solomon, testified were the wrappers that contained certain diamonds which were among those seized. These were the wrappers in which the diamonds were sold, and which passed to the purchaser along with the diamonds, and he identifies them partly by his own marks on the papers and partly by the correspondence with his own entry. It is true that these papers did not contain the diamonds at the time of the seizure. It is conceded that they were taken from Lasar's safe, but in a separate compartment from the compartment in which the diamonds were seized.

"It is a fair question to submit to the jury that finding the diamonds here and the papers here in which they were contained when bought, whether they did not come over together—that is to say, transmitted here—and that any change in the wrappers of the diamonds, if the jury believes the

diamonds were the same lot, was a change made here. The act charged as illegal is the illegal importation—an importation without consultation, without entry and without payment of duty. In other words, a smuggling operation, which was intended to be so from the very beginning. That is what is charged. They did not consularize or invoice them, because they meant to smuggle them, and they did smuggle them, because they entered clandestinely and without entry. That is the charge.

"Now, these papers are of some value—great value, possibly, as evidence of identification. I could not decide this question on a mere decision that books and papers possible in certain circumstances might not be seized, without also saying that, however intimately these particular papers might be connected with the illegal act, just simply because they were evidence they should not be received. Now, it is impossible, I think, to sustain a position like that. If the act is illegal, and you trace it and all that belongs to it in its history, you certainly cannot say that because some of the incidents of that act furnish evidence against the goods, or the claimant, that therefore they have got to be excluded. That would be preposterous. In that way you could never prove a case, because you would shut out the evidence which would prove it.

"That is a very different thing from matters

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which are not themselves any part of the illegal act, but which are mere matters of evidence, which are discoverable in a man's house, in his store, desk or files of papers, so that they can't be used for a similar purpose. That is a very different question. A man's house may be his castle. His private papers, whether in his house or store, are free by the Constitution from unreasonable search and seizure. He cannot be compelled to give evidence against himself.

"Therefore, if you are pursuing mere evidence, and are trying to compel him to produce something which you have not got, you may be limited. Simply because you happen to be there, you cannot turn around and rummage his desk, take his books, his files of papers and letters, and hunt them over, and if you can find anything, appropriate it and have it here and give it in evidence.

"A letter written by a man recounting a past transaction would be evidence against him if you could get it rightly, or other correspondence, or his own books in which he has entered these very things, or data which would be very valuable to the Government if they could get it rightly, but in no way connected with the legal importation, with the purchase of the goods, with the failure to consularize, or with the act of smuggling and getting them into his possession and not entering them. I think I ought to admit those things which are part of the illegal act itself."

To the admission of the memorandum book of Witness Solomon, Mr. Murphy, for the claimant, formed a number of objections. He insisted that the witness having stated that the book was not an accurate memorandum of his transactions, and not being made on October 5, 7 and 8, the dates of the alleged transaction, it was not a record kept in the regular course of business and should not be admitted. It was rather a book of convenience, and contained notes or memoranda of certain sales jotted down at certain times that might be a day or two after the sales were made. In answer to these claims the court said:

"The witness knows about the sales, but for the details he relies on this book. In regard to this not being a book of account, it is like my pocket-book would be, containing the entry of figures in precise detail. If they swear that it was made at or about the time, say, it is correct, and their oath is connected with it, it is allowed to go in evidence *ex necessitate*. On such a point what better proof could be obtainable? It was not made in the presence of Max J. Lasar, it is true, and you are not bound by it any more than you are by any other piece of evidence. The jury may reject the whole if it wishes. The jury is to consider what the witness has said about it."

While the deposition of Mr. Neresheimer was being read, Mr. Denby offered in evidence an invoice of November 3, 1897, under the name of

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Maxwell & Armstrong, together with the declaration covering one box of diamonds, not set, invoiced at 168,613 francs and 38 centimes, under consular invoice 1078 from Antwerp, October 22, 1897. This related to one transaction, the shipper abroad being Joseph Rester. The invoice contained eleven entries, described as brilliants and melles (small diamonds), and the counsel for Lasar tried to make it appear that the Government had admitted that the eleven packages of gems protected by the invoice had been illegally seized. Mr. Wellington straightened out the matter by saying that the Government had found six of the entries of the invoice when the diamonds were seized from Lasar's safe, and of these six the Government admitted that duty on them had been paid. The others had disappeared and were presumably sold.

It was William H. McCormack, spoken of elsewhere in this book, who went to England to get the deposition of Neresheimer. McCormack took with him on this trip two packages containing diamonds and a separate wrapper, all of which Neresheimer identified, the first-named as having been sold to Lasar by him and the paper as having covered the purchased goods. McCormack made the mistake of being present in the American Consulate in London when, on May 4, 1898, the deposition of Neresheimer was taken. When the diamonds were being prepared by Collector of the

Port Bidwell for transmission abroad by McCormack, so that Neresheimer might see them, they were carefully sealed up with the wrapper, so that there could be no tampering with them or any such charges made. The diamonds when they started abroad with McCormack were in the condition that marked them at the time of the seizure, and they were opened by Neresheimer himself. The stones were worth forty-five hundred dollars.

Notwithstanding the absolute certainty that the package entrusted to the care of McCormack, who was a special employee of the Treasury Department, was in no way meddled with during the trip or until it reached the English witness' hands, the counsel for Lasar filed an acre of protests against the admission as evidence of the wrapper.

Mr. Daniels insisted that he knew of no practice of law which permitted an exhibit to be detached from a commission and brought over and introduced in evidence through collateral evidence of an independent witness. The wrapper, he contended, was not marked by the commissioner who took the deposition of Neresheimer, nor was it marked by the witness in any shape or form. It was utterly impossible to determine from the commission what wrapper was referred to, except that it was a wrapper having the design of a mask and a seal ring. The wrapper could not be introduced, because it was not identified.

At great length Mr. Daniels argued, even saying

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that there might have been a substitution if found necessary, but his chief claim against the admission of the wrapper was that he would have no opportunity to cross-examine Mr. Neresheimer. The court said, in reply to the lawyer's plea:

"There is no doubt the way you suggest is the usual form. The only way to prove such a paper as this, or its contents, would be to annex it to the deposition, have it sent over, examined there, sealed up, and still annexed to the deposition, and returned in that way. The only question, however, is, does the law prohibit any other possible way in the case of valuables, like diamonds, which would suffer certainly a rather serious exposure, supposing them to be of value?

"The witness says they were of the value of about forty-five hundred dollars—the foreign value. Is it true that the law allows no way of proving that except by annexing it to a commission? I differ with you in my judgment regarding the desirability of sending forty-five hundred or five thousand dollars' worth of diamonds attached to a commission. I should consider that very risky, if any other way were allowable by law.

"I think this testimony should be received. Every deposition and all papers attached in regular way are liable to possibilities of fraud and substitution. I do not know of any rule which actually requires that the package shall be annexed

to the answer. The only question, after all, is one of preserving the rights of the parties by preventing the substitution of one thing for another.

"I understand from counsel, besides the testimony of the witness, Neresheimer, which stands as any other witness in a cause stands testifying to a fact, as the authority for the truth of the statement, besides his testimony there is additional testimony or circumstances referred to by counsel for the Government that they propose to show that pains have been taken to prevent any substitution or improper meddling with the papers.

"I think those are reasonable, and it seems to me there is no such unreasonableness in the course as should condemn it, unless it appears to have been condemned by authority which I am bound to follow. For the purpose of this case, therefore, I think I should admit this testimony."

McCormack explained that the wrapper and diamonds were handed to him on April 19, 1898; that the diamonds, after he had counted them to see that the right number were there, were sealed in an envelope, and "have not left my possession from that day to this," as he explained it. McCormack added under oath that he placed the enveloped diamonds with the wrapper in another and larger envelope, which was in turn sealed up by Henry Small, the secretary for Collector Bidwell. Neresheimer, according to McCormack, was

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handed the sealed envelope at the American Consulate in London, and the English witness had the property in his possession while making the answers to the interrogatories on the deposition. Neresheimer opened the envelope containing the diamonds and placed them on a desk in front of him while the officials of the Consulate were asking him the necessary questions about them.

The special agent told at length of the many marks which were on the wrapper when he handed it to Neresheimer, and added that the London diamond dealer identified each and every one of these marks and attested to the fact in his deposition. William M. Osborne was the commissioner, and he, too, affixed his seal and attested to Neresheimer's signature as to the truth of the document. Mr. Neresheimer put his seal on the envelope containing the diamonds when he handed them back to McCormack to bring back to this country.

Mr. Wellington asked that the envelope containing the diamonds be opened while McCormack was on the stand testifying, but the court said that it was unnecessary; that the envelope might remain sealed and kept in court for examination if anybody so desired. At this point Mr. Daniels renewed his motion to strike out the deposition of Neresheimer on the ground that McCormack was present while it was being taken, and that the special agent took an active part in it, contrary to law; that Commissioner Osborne was not present

at the taking of the deposition, but was represented by the vice-consul, Mr. Frigout; and that the claimant's counsel were taken by surprise on the evidence of Neresheimer.

The court thought it peculiar that Commissioner Osborne should have placed his seal upon the papers in question without once being present, and so told the Government lawyers. His Honor also pointed out that McCormack was the Government's witness and that his statement made the situation the more acute. To question the special agent more fully on this important matter he was recalled to the stand later in the trial. McCormack stated on this occasion that the Commissioner, so far as he knew, had administered no oath to Neresheimer, but that the papers were out of his possession for three days, and in the possession of the Commissioner, he presumed. The court admitted the Neresheimer deposition, nevertheless.

## CHAPTER IX

THE Government produced a number of witnesses to corroborate Miss Cruede in her narrative as to Lasar's trip in the Labrador, his presence in Canada, and also the advent of his sister-in-law in Montreal, none of which the lawyers for the smuggler would admit. One of the first of these witnesses was Thomas Henry Nuttall, a steward of the Labrador, who identified Lasar in court as one of the passengers of the Labrador during October-November, 1897. The steward said that Lasar was known to him as M. J. Lanas, and this name, supposed to be his, appeared on the ship's list of passengers, one of which he personally handed to Lasar at the beginning of the trip. Nuttall likewise identified Miss Cruede as having been the room companion of Lasar during the voyage. The claimant's counsel endeavored to show that misspellings in passenger lists were quite frequent, whereas they are not. The object was to try to show that Lasar did not cross in the Labrador under an assumed name, or, rather, that he personally did not desire to. Nuttall settled that point for good, however, by relating how he, as

steward for Lasar, constantly called and addressed him as "Mr. Lanas" during the trip, and that Lasar never contradicted him.

To satisfy the jury that it was Mrs. Morris Lasar who was in Montreal about the time her brother-in-law, the smuggler, arrived there in the company of Ivy Cruede, the Government called George Phillips, a clerk in the Windsor Hotel, of that city, to the stand. He was asked if he recalled the fact that a woman arrived at the hotel on November 6, 1897, and registered as Mrs. S. Smith, of Brooklyn. He said he remembered it distinctly and that he assigned her to room 337. He was asked if he saw anywhere in the courtroom a woman who answered to the description of Mrs. Smith. He replied that "the woman dressed in black, sitting over there," was Mrs. Smith. Then a sensational scene took place.

Mr. Wellington, addressing himself to counsel for Lasar, asked if they had any objection to having Mrs. Morris Lasar stand up for identification. Mr. Crane retorted:

"We do. We decidedly object to the lady being compelled to stand."

"I ask the lady there with the black hair and veil to stand up," requested Mr. Wellington.

The woman indicated was seated with three others, but declined to budge. The court then said:

"General Wellington, if they do not wish to make any admission as to the identity of the per-

son registering as Mrs. S. Smith, let the witness go right over and point her out more carefully. I notice that there are more ladies sitting over there."

Witness Phillips left the stand and, walking down among the lawyers and others gathered in the body of the court, halted in front of Mrs. Sarah Lasar and said:

"This is the lady."

The silence was most impressive and the scene altogether very dramatic. The hotel clerk then returned to the witness chair as the learned Judge asked Lasar's counsel:

"Is that sufficient indication of the person indicated?"

"An elegant sufficiency," murmured Lawyer Crane.

"Is she the one that bears that name?" the court wanted to know of Mr. Crane.

"She is Mrs. Lasar," admitted the lawyer.

Phillips then identified the register of the Windsor Hotel, which was handed to him, and pointed out the signature of Mrs. S. Lasar, alias Mrs. S. Smith. He likewise identified on the following page of the register, under the date of Sunday, November 7, the two names of M. J. Lasar and Miss Lasar. The smuggler was asked to stand up, and the hotel clerk readily identified him as the man who wrote the last-mentioned entry in the register on that Sunday, and he identified Miss

Cruede as the young woman who was in his company, and who was pointed out to him as being Miss Lasar. They had rooms 366 and 368.

At this point the counsel for Lasar about made up their minds that the jig was up, so far as trying to conceal the fact of the presence in Montreal of Sarah Lasar about the same time that the smuggler arrived there from England. Mr. Crane arose and said:

"We concede all this about the signatures of Mrs. S. Smith, Brooklyn, at the Windsor Hotel in Montreal on November 6, and at the Queen's Hotel in the same city the day following, on November 9. We admit nothing, though, as to the identity of the persons or as to the handwriting."

The witness was asked to identify some of the stationery of the Windsor Hotel, and he did, particularly an envelope bearing a three-cent Canadian stamp, dated Montreal by the official postal stamp, and addressed to the Pavonia Hotel, No. — Chambers Street, New York City, which was the establishment of Morris Lasar. The letter and envelope was in the handwriting of Sarah Lasar.

On the cross-examination of Clerk Phillips by Mr. Crane the latter naturally tried to make it appear strange that the witness should have remembered Mrs. S. Smith so thoroughly, when there were some two hundred odd guests in the house. Mr. Crane wanted to know if Mrs. Smith presented any unusual appearance, if she had deported her-

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self in a manner as to attract undue attention, or if there was anything unusual in her behavior that had caused the witness to remember her above all others.

Mr. Phillips replied that one of the things that struck him as being odd was that the woman, being undoubtedly a Jewess, bore the name of Smith; that she did not speak the best of English; and that, although she had engaged in a long conversation with him regarding weekly rates and the like, he had noticed her in the evening, a few hours after this conversation, purchase a railroad ticket at the ticket office in the hotel. This, indeed, was rather strange, he imagined, as was also the fact that she remained at the hotel one-half day only.

An attempt was made by Mr. Crane to impress upon the jury that the hotel clerk was really testifying as he had been coached to do; that under a special arrangement with me he was to come here and pick out Mrs. S. Smith as Mrs. Sarah Lasar. In answer to the hundreds of questions fired at him along this line Mr. Phillips said:

Mr. Weldon, the manager of the Windsor Hotel, had instructed him to come to New York to aid in the identification of the people in question. He was accompanied by another clerk, whose name was Moffatt. He had been spoken to by Mr. Theobald regarding the identification, but had not been told what to say. He was quite sure as to his identifications, particularly that of Mrs. Sarah Lasar,

because he personally assigned the room to her. There was no talk of compensation regarding his trip with Mr. Theobald, or, for that matter, with anybody else. Mr. Theobald had made all arrangements for his coming, but through Manager Weldon. He was told that the case had something to do with the smuggling of diamonds, but Mr. Theobald made no attempt to describe the appearance of Mrs. Smith, whom he was to try to identify.

The witness continued that during a hearing in the Lasar case, prior to the trial then in progress, he was taken to a room in the Federal Building, where there were half a dozen women, and Mr. Theobald asked him if he was able to identify the person who had written the Smith signature. The witness said that he had no difficulty in doing this, and that he immediately pointed out Mrs. Sarah Lasar as the woman who registered as Mrs. Smith. Nobody exercised any influence, nor was there any endeavor to enable him to make the identification.

Satisfied that they had proved the presence of the smuggler, his sister-in-law and Miss Cruede in Montreal at one and the same time, the lawyers for the Government called Frank Hough and H. Connolly to establish the claim that Lasar and the English girl had arrived in Jersey City in company of each other. Hough was a clerk in Taylor's Hotel and H. Connolly was a bookkeeper in the Hotel Washington, both of that city. Hough testified that about 10 P.M. of November 11, judg-

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ing from the register of Taylor's Hotel, which he identified, Mr. Lasar arrived at the establishment with Miss Cruede. They were in a cab, and drove up to the ladies' entrance. Mr. Lasar registered the name of Miss Cruede, which the witness showed in the register, and, as he was in charge of the desk at the time, he gave the young woman Room 17. Mr. Lasar, the witness added, did not remain there any length of time on this occasion. To use his own language, "He went upstairs with Miss Cruede and was there about twenty minutes, I suppose, and then came down."

While Hough was on the stand five telegrams purporting to have either been sent by or received by Lasar were offered for identification and duly marked, both sides agreeing. These telegrams were for the purpose of extending the proof that Lasar was in Montreal and Jersey City when the Government claimed he was, and also tended to show that one of the telegrams was sent to Mrs. Sarah Lasar. Bookkeeper Connolly identified Lasar as an old patron of the Hotel Washington, and swore that he was a guest of that hostelry on the night of November 11. He came in alone, the witness said, and he personally registered him. He stayed there for two or three weeks after his arrival.

## CHAPTER X

IN many big legal cases much has depended upon the opinion of the expert in handwriting. There are some who believe that it is possible to disguise one's handwriting so completely that the expert, no matter how proficient, is unable to decide with any degree of accuracy that it was penned by one who wrote this or that shown him, and which is admitted to be in the chirography of the person involved. Some of the greatest murder cases ever tried in the United States were largely dependent for the conviction of the accused upon the testimony of the expert Jim the Penman. At times these experts have been made a sorry example of by the cross-examiners, but as a general thing the experts have had the better of the argument, due no doubt to the fact that everybody who writes has certain characteristics or peculiarities of hieroglyphics that all attempts at disguise fail to hide.

In the hope of showing a similarity in the writings of Smuggler Lasar and penmanship in the various hotel registers he signed, and particularly to establish the fact that the signature of Mrs.

S. Smith, Brooklyn, as it appeared on the register of the Queen's and Windsor hotels in Montreal, was written by the same hand as that which penned a letter from Montreal to Morris Lasar at the Pavonia Hotel in Manhattan, S. M. Kinsley, an expert handwriter, was produced by the Government as a witness.

Sister-in-law Lasar, it may be recalled, became frightened after she reached the Queen's Hotel in Montreal, where she had gone at the request of a letter from the smuggler to her husband, the saloon-keeper. She returned to the metropolis as a result of this fright, but her husband evidently put some backbone into her and had her go back to Montreal, where she went to the Windsor Hotel and met the smuggler. Then she came back to New York with the diamonds which Lasar had brought across the ocean. But while she was in Montreal the first time, and before she became so frightened as to hasten away, she wrote her husband about her feelings, fears, and the like, and this was one of the letters found upon the person of the husband when he was arrested.

Mr. Kinsley was called to express an opinion of the various scrawls. He explained, in reply to questions, that he was the editor of *Denman's Art Journal* and an examiner of questioned handwriting. His professional experience as a penman extended over a period of fourteen years, he said, and he had been consulted in some three hundred

cases and had testified in about two hundred of them in the courts of America and Canada. He readily stated that the writing entries of Mrs. S. Smith, Brooklyn, in the registers of the two Montreal hotels were by the same hand, and that the letter addressed to Morris Lasar and found upon his person when that individual was taken to the Hotel de Ludlow was written by the same hand that made the Smith entries in the hotel registers. The witness was equally positive as to the writings of Smuggler Lasar, both in Montreal and Jersey City, as applied to the hotel registers, and also as to private letters and certain marks upon diamond papers.

Naturally this was most disconcerting to the lawyers for Lasar, and they tried to make it appear that handwriting experts were a poor lot, after all, and that the only man who knew to a certainty about Lasar's writing was Lasar himself, but unfortunately his word would not be taken. Expert Kinsley compared the various exhibits both at home and in court, and was real mean enough to stick to the idea that he had originally formed as to the similarity of the several groups of writings. Mr. Lasar evidently did not realize that he had placed his pen to so many various kinds of papers until Mr. Kinsley began to identify receipts, letters, telegrams, envelopes, diamond papers and hotel registers. The word "sold" as it appeared on the empty diamond wrappers

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was in every instance pronounced by the expert as being in the handwriting of Lasar, indicating how the contents had been disposed of. When it came to his passing judgment on the figures marked on these diamond papers, the witness said that he had nothing with which to compare them, but that the "L" in the mark was the same as used in the name Lasar.

Mr. Crane undertook the cross-examination of Mr. Kinsley, and his first question was:

"You say you have had quite an extended experience as an expert in penmanship?"

"Professional penman, author, pen artist and publisher for fourteen years," was the reply of the witness.

"As a matter of fact the testimony which you give here is only opinion evidence?"

"That is it exactly."

"There have been quite a number of cases of differences of opinion among experts as to the genuineness of signatures. Is that so?"

"Not quite a number. A few, yes."

"For instance, the difference of opinion, by way of illustration, as to the writing of the bordereau in the Dreyfus case. There was quite a diversity of opinion in that, was there not?"

"I have examined it and passed upon it."

"And the Esterhazy letters—did you examine them?"

"No, sir, I did not."

"But there has been a difference of opinion with regard to those expressed!"

"There are ten who say Dreyfus did not write it and two who say he did."

"Now, at the most, Mr. Kinsley—fairly, now, at the most, your opinion as to Mr. Lasar's writing is simply based upon the resemblance between the writings!"

"Not at all, sir," replied the expert. "I do not go by resemblances. Resemblances we refer to as pictorial or picture only, and I look deeper than that. I put a magnifying glass on and discover the nerve-trembling, the quality of line and the nerve-pressure. It is true that the signatures of men are usually differently written than the body of their writings, and that men adopt different curves, or what may be called peculiarities. Many people have two different signatures. For example, I do myself. I have my professional signature and then I have a rapid business hand that I make use of. As a rule the majority of people write their names much better than their general writing, but there are others who make hieroglyphics out of them, so that you cannot tell what it is."

"The signatures of Mr. Lasar that you had to base your conclusion upon were the signatures attached to official documents?"

"Yes, sir."

"And the usual signatures which a man would

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write either at the bottom of a check or at the bottom of official papers?"

"As a matter of fact," replied Expert Kinsley, "I know that it is not the signature that he writes to a check, because I have compared them with the endorsement on the back of these checks."

"Handwriting will differ, will it not, according to the condition of the person writing? That is to say, if the writer be in an excitable mood, or if he is under a nervous strain, or if his nerves are not in a proper, settled condition, his writing will show the effect, as a usual thing!"

"Yes, the pictorial effect will differ, but the character of the hand cannot be changed even by design."

"Upon what do you base the opinion that this writing or that writing is Mr. Lasar's?"

"I took the two conceded signatures, the one to the receipt for the diamonds and the other to the stipulation, and compared them with other writings—for instance, the signatures to the hotel register and the telegrams. It was on the conceded signatures that I found the characteristics for the word "sold," which word was undoubtedly written by Mr. Lasar."

"You assume, then, in coming to your conclusion, that the writings on the telegram blanks were genuine writings of Lasar?"

"No assumption whatever," returned the witness. "My opinion is very strong on that. Just

as strong as it is on anything else. I either stand or fall on it all, or not at all. There was no if about it at all."

"Take the letter 'd' in 'arrived' in the telegram. Is there any characteristic about that letter 'd' that corresponds with the signature of Max J. Lasar?"

"No, sir, because the 'd' is not in the signature."

General Wellington interfered at this point and said to the witness:

"When he shuts you off as short as that, and it does not express your full meaning, I give you the direction that you are permitted under the rules of evidence, with His Honor's acquiescence, to fully give your answer and not to be shut off by counsel."

"Do you want to qualify the answer?" asked Mr. Crane.

"All I intended to say was that the letters you picked out for me are not incorporated in the name Max J. Lasar, and consequently you cannot make a comparison. It is not fair," remonstrated the handwriting expert, who evidently was able to take care of himself.

"You say that you have seen the same characteristics in the handwriting of different persons. How can you, with any degree of certainty, give even an opinion oath as to the identity of the writing—that is, outside of the retainer?"

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"I am not a lawyer, and I do not have any retainer. There is no string tied to me. There is no retention in the matter. To give an opinion in a case like this is almost as certain as mathematics, when you take the height, slant, shape, spacing, and find that they correspond all the way through in two sets of writings. It is simply clear beyond the bounds of all, not only probability, but possibility, that no two persons could so incorporate into their handwritings the characteristics that you will find. The writing is full of characters and characteristics, and these are incorporated in the hand by countless repetition, and you cannot throw them off even at will. There is no disguise attempted. Really, as I told the District Attorney, they did not need a handwriting expert."

"Much depends upon the kind of pen that is used, doesn't it?" inquired Mr. Crane.

"That does not destroy the characteristics of the hand, unless you use a club," responded the witness breezily.

Doubtless the counsel for Mr. Lasar considered the testifying Jim the Penman too tough a nut for them to crack, for when it came to the time for them to re-cross-examine the witness they metaphorically bowed him from the chair, without even mentioning the fact that a chap named Fielding once remarked that "setting down in writing is a lasting memory."

To this day Lasar does not know how the Gov-

ernment managed to get the original telegrams that passed between him and his sister-in-law in Montreal and his hired knaves in the metropolis. I would like to tell them, but it is a state secret.

## CHAPTER XI

It was quite natural for the counsel for Lasar to play the innocent act when it came to the time for summing up. Nobody, therefore, was surprised when Mr. Daniels, clapping huge white wings upon Angel Lasar, sat him upon a golden pedestal, figuratively speaking, and addressed the court as follows:

"We all feel that the Government has made out no case whatever to entitle it to a decree, and that, therefore, the defense is not called upon to introduce any evidence. This conclusion not to call a witness growing out of what we believe to be the insufficient case made by the Government, is strengthened by the anomalous position in which the defense finds itself.

"All the witnesses that are material to the defense are under indictment. The claimant, Max J. Lasar, is under indictment. His sister-in-law, Sarah Lasar, is under indictment. Her husband, Morris Lasar, is under indictment. John Maxwell is under indictment. If we called any of these as witnesses for the claimant, their going on the stand would be a voluntary act, and anything they said upon the stand, either on direct or cross-examina-

tion, anything that might be tortured against them on the record, all of their sayings on the record on cross-examination, could, under the law, be used against them in these indictments. It would be otherwise if they were subpoenaed by the Government and compelled to go on the stand. Then what they said could not be used against them.

"It was a serious responsibility that counsel were confronted with, and we could not advise them under these circumstances that they should go on the stand. Much as we would desire to have them go on the stand, much as we believe that if they went on the stand they could give a theory of this case entirely consistent with innocence, yet it was a dangerous risk they ran.

"So far as I am personally concerned, I may say that the confession that was introduced of Mr. Maxwell was a complete surprise to me in this case. I had no knowledge of its existence. So far as Miss Cruede's handwriting was concerned, we are confronted with this, that we had no standard by which comparison could be made, and for that reason we were in a situation that we concluded to rest the case without calling any witnesses, and ask Your Honor to direct a verdict in favor of the claimant."

Which was infinitely amusing, to say the least.

## CHAPTER XII

In his charge to the jury Judge Brown said:

“The information in this case is filed under Section 3082 of the Revised Statutes, which is generally known as the ‘Contrary to Law’ section, and provides for the condemnation of goods that have been knowingly introduced into this country contrary to law, and also provides that the offender may be fined or imprisoned.

“This section provides also that whenever, on a trial for a violation of this section, the claimant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the claimant shall explain his possession to the satisfaction of the jury.

“Section 3082 is the one under which this information has been filed. Another clause of a more recent act, that of June 10, 1890, is in these words: ‘That in all suits or informations brought where any seizure has been made pursuant to any act providing for the regulation or collection of any duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall

lie upon the claimant, provided that probable cause is shown for such prosecution, to be judged by the court.'

"Upon a trial, therefore, of this kind, where property has been seized for a violation of a revenue act by being introduced contrary to law, it is sufficient in the first instance for the Government to make out simply so much of a case as the court may consider to be probable cause for the prosecution. In this case the Government might have stopped simply there, had it chosen to do so. It has, however, gone, in my judgment, much beyond that point in the amount and fullness of evidence which it has given upon that general subject. In quite a number of particulars the contention of the Government is substantiated by several different witnesses instead of one. In many particulars, as it appears to the court, there is a union of different branches of evidence, all pointing to the same conclusion, namely, that a considerable quantity of diamonds was brought over by Mr. Lasar on the Labrador, was sent to New York by his sister-in-law, and afterwards taken to his store, 24 Maiden Lane, and there put upon the market and offered for sale and a portion sold in the manner which you have heard described.

"In the judgment of the court, then, the probable cause which is submitted for its decision has been quite fully made out. The court could not, therefore, grant the motion of the claimant to di-

rect a verdict for the claimant, and that motion is denied.

"Under this same section, having found and the court instructing you that probable cause has been shown for the prosecution, and, in the judgment of the court, much more than probable cause—I mean evidence extending much beyond that would constitute by itself sufficient probable cause—the defense is thrown upon the claimant.

"The act of 1890 provides that the burden of proof shall lie upon the claimant. This is a provision which in the first instance has been very long the law of the Government—I think since 1799, if not in the identical words, in substantially the same form. The meaning of that is that, having proved so much, it shall rest with the claimant to show that these goods came in rightly, were imported regularly, that the duties have been paid, and that they were not introduced contrary to law. It is not necessary for us to speculate why that section was enacted, although I think we can see very good reason why such a provision should be in the law.

"It is because it is the Government on one side and multitudes on the other. Every man who imports goods knows how he imports them. If he does not import them, but buys them, he knows how and when and where he bought them. In other words, the evidence in regard to every specific lot of goods is presumably in the power of

the claimant to produce. If honestly introduced, there seems to be no reason why the evidence cannot be produced without difficulty. If they are imported directly by the person who claims them, he has in the ordinary course of business his evidences, his invoices, and he knows by what vessel they come. It is a simple matter to explain it all.

"If he bought them, he produces the evidence of his purchases and shows that without difficulty. I say in ordinary cases. I do not say but that sometimes there might be a combination of circumstances in which there might be difficulty, but the cases would be very rare in which it would not be simple and easy to explain the introduction.

"The Government, in dealing with thousands and thousands of importations, is at the greatest disadvantage in proving affirmatively how goods that might have been brought in clandestinely, secretly came in. The Government has no means of knowledge. It is comparatively wholly disarmed. As no evidence has been introduced on the part of the defense, the defense does not take up the burden which the law puts upon it. It is practically, therefore, the same as a default in that regard under this provision of the law. As this burden of proof has not been taken up by the claimant, upon a motion to direct a verdict for the Government, it is the duty of the court so to direct, and you are therefore directed to find a verdict for the Government for the goods which are stated

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in the indictment, except for the six packages which you have heard named, and which it is conceded were in the invoices of Maxwell & Armstrong, and which had paid duties, namely, 401, 404, 405, 407, 408 and 409."

The jury thereupon rendered a verdict, as directed, for the United States, and the diamonds were confiscated and afterwards sold at public auction.

## CHAPTER XIII

"She loved me for the dangers I had passed,  
And I loved her that she did pity them."

THE bards have sung of love for ages, but they have not sufficiently exploited the dangers of love that has a mushroom growth. This is the skyrocket sort of love, except that sometimes the descent of the Cupid stick is not nearly so rapid as is the ascent. There are cases where this sample of spontaneous combustion of loving hearts resulted in amorous conflagrations that all the fire-engines of gossip, social order and divine regulation could not put out. All of this is preliminary to the relating of the love-story of Elaine Cruede and Lancelot Lasar.

It is no easy task to decide when Government Witness Ivy Cruede discovered that she loved Government Robber Max J. Lasar. There can be no doubt that she "loved" him for sinister motives only while they were shipmates on the old Labrador, but, as absence makes the heart grow fonder, it may be probable that the fatal dart made her captive during the period of her sequestration as a Government witness. She could not have

loved him while she was in the witness chair. There is a consensus of opinion on that point.

Miss Cruede on this occasion had practically defied the man in the public court. It may have been play-acting on her part, but it was seemingly very, very real. The mirror of her soul flashed with the language of revenge rather than with that of affection. She had begged the presiding magistrate to permit her to stand alongside the witness chair, that she might the better see Lasar. In her excitement—or it may have been just “business” for dramatic effect—she removed her sailor hat, and as she stood up and pointed her finger defiantly at the smuggler her hair fell over her shoulders, making a scene that has never had an equal on the stage.

The strange appearance of the witness as, with disheveled hair, flashing eyes and unswerving finger, she called upon her Maker to bear witness that she spoke the truth, did more to influence the jury in its subsequent finding than many suppose. Lasar never had a chance to get back his diamonds after the woman thus testified. Everything his counsel had done to make him appear a perfect saint on this wicked, designing sphere was scattered like chaff by the spectacular demonstration of the English witness.

Stranger things were in store for Lasar, however, and he was soon to have a hearty laugh at the expense of the Government, though he knew

it not when the jury rendered its decree condemning the property that he had tried to smuggle. He looked as white as the driven snow as he left the courtroom with the adverse judgment ringing in his ears.

The failure of his case meant more to him than the mere loss of fifty-seven thousand dollars' worth of diamonds. This had been what is legally called an *in rem* case, and the fact that the jury gave it as its opinion that Lasar intended to smuggle the goods left him open to the penalty of a criminal proceeding that was seemingly sure to follow. Several years' imprisonment stared him in the face as he left the courtroom that day. He certainly looked the part of a miserable, forsaken wretch as he walked half-dazed but woefully alive in the direction of the elevators.

The Federal Building is built on a triangle at the intersection of Broadway and Park Row. There are elevators at each corner of the big building. During the trial Miss Cruede had come to the building from the Windsor Hotel each day in the company of a Secret Service man. The Government had special reason for keeping the chaperon in the background, expecting an event to happen, but it never did. Max Lasar left the courtroom in the company of his brother, Morris, and the latter's wife. Miss Cruede and the Washington detective departed by another door. The arch-smuggler was so overcome with emotion that

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he was unable to talk, but his brother pressed his hand and said in the presence of a dozen court attachés:

"Cheer up, Max. Your time will come. That damn girl did you."

A tear stole down the smuggler's cheek, his lips trembled, and he mutely pressed his brother's hand. The latter whispered something that was not audible to those gathered around. Quick as a flash the face of Max changed to rage, and he hoarsely said:

"Never, Morris! By God, never! I shall never talk to her again."

He evidently did not know his own mind, and no wonder, with the awful, wrecking pace that it had been sent during the long trial of fourteen days. The two brothers parted, and Morris with his wife walked in the direction of one of the north elevators to gain the ground floor. Max, unattended and with bowed head, started along the lengthy passageway of the Broadway side with the intention of descending to the ground floor in one of the elevators on the south end. The elevator, almost filled with human freight, had stopped as he reached the cage-like structure that surrounds it, and he stepped aboard just as the conductor slammed the door.

Lasar heard a voice say, "You must not. Listen to me," at the instant the car began its descent. He turned his head for a moment. The eyes of

Ivy Cruede were fixed upon him. Such a change in a woman's eyes! All the vindictiveness was gone. They were as calm as the sky in the serene-est noon. They spoke, though her tongue was silent—volumes that spoke pity, placability and love. Lasar gulped it all down in an instant. The shadow of the jail was upon him. He was down and out as the world viewed him. The only thing left him was diplomacy and this woman. Both were valuable just then. She was the Govern-ment's trump card. If he again possessed her he might laugh at the jail and locksmiths, as love has often done.

It happened so quickly that everybody else in the elevator wondered how it really happened. The first intimation that they had of something unusual transpiring was when Ivy Cruede threw her arms around Lasar's neck. He embraced her and sobbed aloud as if his heart would break. Not a word was spoken, and even the jolt of the car as it struck the ground floor did not awaken the couple from their unholy trance.

The elevator conductor winked significantly to a post-office employee, the Secret Service man turned black with anger, and one of the lawyers in the recently decided case, who had also been in the elevator, brought from the recesses of his tired brain the words of Lamb, that

"Man while he loves is never quite depraved,  
And woman's triumph is a lover saved."

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The Secret Service detective was for stopping the proceeding the moment all three alighted from the elevator car.

"You had better go about your business," he said to Lasar, and he said it in no gentle tone. But the woman stepped in, as she did in the days of Adam, and, taking the detective by the arm, she whispered in her most suasive way:

"I beg of you not to make a scene here. Remember how I have suffered. He is more sinned against than sinning. Let him go to the cars with us."

"No, no," said the detective. "I told you in the elevator that you must not do it. You disobeyed me. Now I will get into a devil of a hole."

Again the woman's eyes changed. They flashed as if a perfect hell was to break loose. The owner of them said:

"Well, if you insist upon making a scene, so be it. I will not leave unless you permit him to go to the cars with me."

It was a plain ultimatum, and the Secret Service man saw that the woman's eyes, like those of Mars, were fixed to "threaten and command." He bowed to the inevitable, and the three hurried into the street on the Park Row side.

The scene in the Federal Building corridor, while seemingly not more public than hundreds enacted there every day, had nevertheless attracted many of the curious, and as the trio made

their way in the direction of a Fourth Avenue car it was to run the gauntlet of as critical a mob as one could wish to see. Lasar's demeanor was markedly Chesterfieldian as he entered the car. He bowed the detective into a seat with the grace of a veteran society woman at a pink tea, and he hinted in his most subtle way that he would be highly offended if the official guide of Miss Cruede refused to let him pay the fares.

The obtrusiveness of the man made him *persona non grata* with the detective, who insisted upon running the programme to his own satisfaction, and, to use a modern expression, he side-tracked the smuggler at every opportunity. Mr. Detective had to go it alone on the journey uptown. Lasar and the Government witness were as indifferent to his presence as they were to the family troubles of the motorman in front. They billed and cooed like a couple of Central Park lovers in summertime. Their profound satisfaction with each other was so great that they failed to observe or hear the many rude glances and pointed remarks of their fellow-passengers.

One of the things that troubled the detective most on the trip up to the Windsor Hotel was how he would communicate the tidings of the new danger to the United States District Attorney without losing sight of the star witness for an instant. He was afraid that Lasar, with the remarkable obliquity in his moral composition, would cre-

ate and rehearse new fabrications and deprive the Government of the use of Miss Cruede. Plan as he might to avert this much-dreaded condition, the detective was unable to hit upon any plan until he reached the Windsor Hotel.

"I will turn the girl over to her chaperon. She will keep an eye on that fellow," soliloquized the detective.

The Secret Service man underestimated the faithfulness of the womanly protector who had been engaged to come to this country with Miss Cruede. She usually kept two eyes on the latter. She had in this instance as many for Lasar.

The chaperon had never seen Lasar, but photographs of the smuggler had been shown to her from time to time. She recognized him the moment he entered the suite reserved for the witness and herself at the Windsor Hotel. There was no mistaking the look of disgust that overspread the good woman's face as, with Lasar beaming with joy behind her, the misguided witness entered.

"What does this mean, Ivy? The Government has won its case, and you are to take up with this bad, dreadful man again? Oh, I feared that you were weak. It is too bad, too bad!"

Miss Cruede did not make reply, but, removing her jacket with the aid of the gallant Lasar, she rang a call-bell and said:

"I must have a cup of tea immediately. I am so

fatigued. Be seated, my dear Mr. Lasar"—the latter with great unction.

"He shall do nothing of the kind," exclaimed the chaperon with considerable warmth. "Oh, Ivy, you are a silly girl. You cannot be in your right senses. You are committing social suicide to take up with that wretch again."

There was no way of preventing the awful scene that followed. Miss Cruede walked over to where Lasar was seated and kissed him passionately again and again. He put his great, rough arms around her slim waist and pulled her down upon his knee.

"They will never take you away from me again," said he, in a tone that was extremely soft for him.

"Never, never!" Miss Cruede replied. "I love you. Oh, Max, you will never realize how much I have longed for you!"

The face of the chaperon was crimson with rage. She was a gentlewoman unaccustomed to scandalous scenes that gave an unmarried girl and a libertine a chance to publicly display their *liaison*, and she blushed for her sex. Yet she had her duty to perform, and, like a true soldier, she determined to remain in the presence of the dissolute couple if she had to be shamed to death for it the next moment. She therefore remained a mute but unsullied witness to the nauseating exhibition of licentiousness that followed.

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The Secret Service man had hurried downstairs to a telephone the moment he left Miss Cruede in charge of the chaperon. He told General Wellington of the conditions prevailing at the hotel, and that official said:

"Go back to the rooms where they are. If they attempt to leave, arrest both. I will send a man up who will stop their little love affair."

I was at the Collector's office in the Custom House when General Wellington telephoned and asked me to go straight to the Windsor Hotel. I lost no time in getting uptown, and entered the suite without the formality of an announcement. This is what I saw:

The chaperon was standing at the foot of a bed, with the Secret Service agent standing near by, with his back to Miss Cruede and Lasar. This precious pair had undisputed possession of the most remote corner of the room. The English witness was comfortably seated in the lap of Lasar, with her arms clasped about his neck. The smuggler's face was a picture of abject terror when he saw me.

"What do *you* want?" demanded Miss Cruede, as she jumped to her feet.

"I want that man to go away from here," was my reply, as I pointed to the smuggler.

"If he goes away I'll go with him," said the misguided woman, adding: "I have made up with Lasar and he has promised to marry me. The

case is over. You have beaten him. You cannot touch him now. I am determined never again to testify against him."

So Lasar was playing his trump card! He held the future of that little woman in the palm of his hand. While her eyes were blinded to her folly and his vices there was no hope of saving her. Capturing as he had our most important defenses, it meant the complete downfall of the Government case against him, a criminal proceeding involving imprisonment from three to five years and a fine of five thousand dollars. His love-making had certainly clogged the wheels of justice, and, whether or not it was a real amour, it truly was a diplomatic investment for the smuggler. I have tried to believe that Lasar had some affection for the girl, but the contrary belief will not down.

It is just likely he was advised by his friends to renew his "attachment" for the star witness if opportunity offered. He doubtless thought it better to be the head of a dog than the tail of a lion, and, as his kind of "love" was usually found in the market, he probably considered it profitable to outwit the authorities by holding out to this deluded but confiding woman the glamor of what seemed to her to be bright promises and a ray of sunshine.

"What do you mean to do with this woman?" I demanded of Lasar.

He made no reply, simply grinned at me and

showed his teeth. I had seen him display his teeth before and knew that he was laughing in his sleeve at me. I turned to Miss Cruede and told her that General Wellington wished to see her and that it was imperative that she accompany me at once.

"I won't go without Mr. 'Lasar,'" she said.

That was just what I wanted her to insist upon. I rang for a carriage and we drove to the District Attorney's office. Arriving there, Lasar said that he would wait in the corridor until Miss Cruede returned. I told him that he, too, would have to appear before the official, and threatened to cause his arrest unless he did so.

General Wellington, in that kind, fatherly way for which he is known, did everything in his power to show the Englishwoman the evil of her ways. First he advised, then he begged, and finally he protested, but all in vain. He might just as well have tried to build a dividing wall through the Atlantic as to have parted the foolish woman and her knavish paramour.

Miss Cruede remained in New York for about three months after this and then went back to Europe, but, as was anticipated by everybody but herself, Lasar did not accompany her abroad. I never saw her again and I never want to. It was a most horrible experience and a thankless piece of work that I had to perform to keep her out of the snares and pitfalls that were set for her.

The Government did not oppose her departure,

being satisfied that it would be a waste of energy and time to attempt to get her to testify in any criminal proceeding against Lasar. On the theory that the fool tries to pick a fly from a mule's hind leg, while the wise man lets out the job to the lowest bidder, General Wellington washed his hands of Max J. Lasar once and forever.

"O! love is like the rose,  
And a month it may not see,  
Ere it withers where it grows."

## CHAPTER XIV

AN experience such as Lasar had would have been an absolute check upon the dishonest ambitions of the average smuggler, but Max J. Lasar was an extraordinary one. The lesson held out to him was the loss of fifty-seven thousand dollars' worth of diamonds, the sacrifice of a very large sum in counsel fees, the complete loss of his business, a thorough disgrace through the world-wide publicity that his case enjoyed, the abandonment of friends and credit, the agony of countless sleepless nights, and, worst of all, the constant presence of that contempt which the world holds for a man when he is caught. This, I repeat, was an experience to satisfy the greatest glutton for wrong-doing.

But Lasar's persistence in doing wrong was more than he could control, if he ever tried. The echoes of his trial had hardly died away when he arrived at Quebec on one of the Dominion Line steamers with more diamonds that he intended to smuggle in his possession. This was in May of 1900. I had been warned that he was to try his old tricks and I was on the watch for him.

Unfortunately he arrived in Canada at a time

when the Dodge case was on trial before Judge Brown in New York, and, as I was the seizing officer in this instance, I was compelled to remain at the Dodge trial. It was due to this that I failed to present myself to the man on his latest and last attempt to rob the United States Government. He fell into competent hands, nevertheless.

Crossing in the ship, Lasar became acquainted with a young couple who were returning to America on their honeymoon trip. They were Brooklyn people, and simple in their love, as many Brooklyn lovers are. The smuggler, with an innate eye to business, thought he saw in the unsophisticated human turtle-doves a chance to "cast an anchor to windward," and during the trip he proposed a chimerical business scheme to the love-rapt bridegroom and the two became quite friendly.

When the steamer reached Quebec, Lasar surprised the couple with the announcement that he was obliged to leave the ship there to go to the interior for a few days. Why he did this was not quite clear to the innocent folk from Brooklyn, but, as they told him that they were to stay several days in Montreal before crossing the Canadian border into the States, he relieved their sorrow in a measure by announcing that in all probability he would see them before they left Montreal. This was agreeable news to the young couple and they seemed perfectly satisfied.

The truth is that Lasar fully intended to go di-

rect to Montreal with the steamer, but at the pier in Quebec, where the craft berthed for a few hours, he saw, or imagined that he saw, the face of an inquiring mind, and the vision was too much for his nerves. He hastily ordered the ship's stewards to get his luggage upon the wharf, and, with a great flourish of trumpets and a most effusive farewell of his fellow-voyagers, he disembarked and purchased a railroad ticket for a hole in the wall some hundred miles inland. This was a bit of acting only and intended as a "throw-off."

Lasar left the station with the discovery that he was mistaken in the identity of the man he had seen on the pier, and, satisfied that he was not being shadowed, he lost no time in abandoning the train at the second station out. He then proceeded to Montreal by rail and reached that city in advance of the doting pair whose friendship and gullibility he wished to use. He remained in the background that day, and when he found the Brooklyn lovers at their hotel the day following he was quite careful to omit that he had reached the old lair of bank wreckers before they did.

"I arrived an hour ago," he said to them, with a great show of comfort that he was once more in their company. "I found that I could get along without remaining at — for the next few days. Besides, I did not want to miss your dear selves."

The bridegroom liked "taffy" at any hour of the day or night, and that he struck at everything

that Lasar said as does a young bass at his favorite bait was excusable in view of the esteem with which he held the smuggler. The favorable opinion was likewise shared by the new wife. Both believed Lasar to be most exemplary in conduct and opinions, and he certainly was on his good behavior while in their company. But, then, it is a simple matter to please some people, when they are neither suspicious nor over-worldly. Lasar was a tough customer, not fit to live, and surely not fit to die, but the pair from the City of Churches knew it not, which fact was their undoing, too.

A round of pleasure was arranged for the benefit of Lasar, and he certainly had a good time for the following few days. The couple had lots of time on their hands and were in no hurry to give up their sight-seeing. As for Lasar, he was anxious to get across the border as soon as possible, but he wanted to do it in safety, and he saw in the couple, as he supposed, the means of doing so. He accepted their hospitality without any exhibition of weariness, and said that they would have to let him entertain them when they had crossed the line and reached Buffalo, where, he added, he was well known. This was a truthful statement, for the most indolent detective in the neighborhood of the Niagara knew Lasar to be a rogue and felt justified in "interviewing" him on sight.

"When we get to Buffalo," Lasar was wont to say to the unsuspecting couple, time and time

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again, "I want to show you everything that is going." He used to expatiate at length in this wise, usually addressing both of his companions; but on one occasion, the day before all three left Montreal to come to the States, he turned to the husband and said:

"You have been so good to me that I shall miss you very much when the trip ends. I want you to let me make your wife a present when we get to Buffalo. Now, I will not take 'no' for an answer. As a matter of fact, I have already selected the gift and it is in my possession. I cannot send it back to the jeweler's."

The night of the day of Lasar's arrival in Montreal I was informed by telegraph that he had come. I immediately called up the Government officials at Niagara Falls and also at Buffalo on the long-distance telephone and instructed them to be on the lookout. I tried to get a postponement of the Dodge case, that I might go on and make the seizure personally, but was unable to do so.

The smuggler and his innocent tools at last left their respective hotels in Montreal to go to Buffalo. Lasar had called at the couple's hotel an hour before the time set for their departure and took from a hand valise a package as large as a cake of washing soap. He handed this to the bride with the remark:

"Your present is in this package, but I do not

want you to see it until we get to Buffalo. It is a piece of jewelry, and, for fear that the customs officials on the other side of the border might ask a lot of unnecessary questions as to how you got it, I think the best plan is to conceal it somewhere about you. When we get to the other side I'll open the package and give you one of the sweetest presents you ever saw."

The heroic effort that the woman made to conceal her desire to see the gift there and then was primarily responsible for the fact that she permitted herself to indorse the advice of the intrepid Lasar. There is an old Spanish maxim saying, "*Es de vidrio la mujer*" (meaning that woman is made of glass), and how was this lovesick woman to know that the man who stood before her, drawing fine pictures of a gift she had never seen, was a most worthy descendant of the famous Ananias? She did not know, poor little woman, that Lasar had an infatuation for smuggling that amounted to lunacy, and that he was virtuous only when he lacked the opportunity or initiative to be otherwise.

Even with her misgivings—and she later admitted that she had some—the woman looked at her husband, who was present when Lasar made the proposition above quoted. If the husband showed any disinclination to permit his wife to do as suggested, he did not do so by word of mouth. His silence seemed a golden guarantee to the wife that

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the idea met with his entire approval, and she took the package and left the room. When she had concealed it upon her person she returned to the room, and, feeling as chipper as a schoolboy at promotion time, Lasar hurried from the hotel to catch the train, his two dupes, in blissful expectancy, trailing behind in his wake. They jumped into a convenient carriage and within half an hour were in the railroad car that was to take them to Buffalo and their doom.

La Rochefoucauld it was, I believe, who said that it was more disgraceful to distrust than to be deceived. Lasar's business made him of necessity distrust everybody. To him everybody else was wrong. In this respect he was like the woman watching the parade in which her loving spouse participated. "They are all out of step except my Jimmie," was her philosophical way of looking at it. So it was with Lasar. Association with dishonest men and not overly-honest women had made him as polluted as a rotten mackerel, and he saw nothing that was good. The couple from Brooklyn were as childlike and bland as virtue itself. While, perhaps, they were more or less led astray with the prospect of receiving something from Lasar, they were also equally unselfish, and their consenting to carry his illicit package across the border was to please Lasar rather than reward themselves.

Had he been wise enough to trust the couple

and let them enter the States without the formality of remaining in their company, it is absolutely certain that he would have succeeded in defrauding the Government. But he was afraid to let them out of his sight while the woman had the precious package on her person, although a less sensible man, after even a most hasty glance at the couple, would have seen honesty depicted in great letters on their faces. Lasar, however, came over in the identical car with them, and even conversed with them in the most self-satisfied way when the customs officials came around to examine their trappings. He might just as well have carried the stuff on his own person.

The disillusionment of the Brooklyn couple when the Government officers stepped up to Lasar and informed him that they were informed that he was bringing dutiable goods into the country without the formality of making a public declaration was tragic to behold, according to authentic reports of eye-witnesses. They had no suspicion that the man was not honest. He had assured them of the fact so often, had seemed to be perfectly open at all times to investigation, and, moreover, had been so gentlemanly and pleasing, that it was a sad blow to them to find that he was nearly as black as painted.

Mr. Bridegroom said he knew that some awful mistake had been made. Mr. Lasar knew differently and said nothing. The bride wanted to

swoon, but was afraid to, lest the releasing of her stays, which is the usual *modus operandi* adopted in strenuous events of that kind, should reveal the presence of the identical package that the officials were perhaps looking for. They say that all lovers are lunatics, but this pair were wise for their day. So, while the bridegroom produced voluminous papers to attest to the fact that he personally was a very honest man—a state of existence which was in no way disputed—his young wife, unlike many of her sex, was unable to talk, but did what every woman has done since the flood, sat down and cried.

The flood of tears swept away the glamor that she had invested in the assurance that Lasar was not guilty of being a smuggler, and she blamed herself for committing her friendship to one of whose antecedents and character she had not even inquired. It was an awful shock to the sensitive bride to be thus held up to public attention by being proclaimed the traveling companion of a professional Government robber, but the worst was to come, though she knew it not.

While the young woman was holding her own counsel and struggling with herself to suppress her emotion, her husband, who was spunky as a dock rat, was saying something like this:

“Gentlemen, you have made a grievous mistake and owe this man an apology. You are a pack of confounded fools. Gentlemen, do not make a scene.

A horrible mistake has been made. Oh, you long-eared asses! I'll make you all sweat for this when I go to Washington."

And so forth, alternating an appeal with a protestation, and a gentle utterance with a violent denunciation. But the stoicism of the officials was not susceptible to threat, asperity or appeal. One of the officials, who knew Lasar from title to dash, was less diplomatic in his utterances than the others, and said:

"This is no mistake. There is not a bigger smuggler on earth, and as a liar he is like Captain Cuttle's watch, 'equaled by few and excelled by none!' "

The three travelers were taken into a private room of the railroad station at Buffalo and Lasar was searched in the presence of his two companions. Nothing incriminating was found either upon his person or in his baggage. Then Mr. Bridegroom, with many entreaties and much menacing language on his part, was put through the same examination. It was a heart-straining ordeal on his part, whereas in the case of Lasar the novelty of a search was his many years before.

The bridegroom, of course, had nothing that the customs officers wanted, and, without expressing any opinion other than a glance at one another, the officers had about concluded that a mistake had really been made, when one of them nodded his head significantly in the direction of the woman.

"Don't believe it, Jim," said one of them. "She seems to be all right and above-board. Why, she's half scared to death to carry any stuff that we want around with her. She hasn't got the heart to do it, I'll wager."

At that moment, had they known it, the big heart of the little woman was throbbing as if it would break, and with each pulsation forty thousand dollars' worth of diamonds were rising and falling. The price of diamonds rose and fell with marvelous irresolution at that moment. Would they, or would they not? The uncertainty was awful. Her heart stopped stark still for an instant. It looked as if they intended to have her searched, too. The price of diamonds was very, very low. No, the three broad-shouldered men were talking to Lasar again. They had turned their giant-like backs towards her and their determined-looking faces were earnestly set upon the real smuggler. The very knowledge quickened her blood and set her heart going again. Once more there was a rise in the price of diamonds. Thump! thump! thump! The real smuggler! Why, it was she! Oh! the very thought of her iniquity was deadly, and again her heart stopped.

All the color had left the woman's face, and she was unmindful of anything about her, when she heard a faltering voice that seemed familiar say something that sounded like:

"My dear! Awful—shame—insist—search—you."

She shrank away as does a delicate skin when it meets a cold draught. Mental torture and physical suffering have a limit, and as a merciful climax the woman swooned away. When she came to, a woman was bending over her and, with the practical way of a woman, was fastening her waist. The bride knew that this woman must have seen the package, which had been concealed inside the waist at the top of the corset, and when she heard that the woman was an inspector employed by the Government, she knew that everything was known by one stranger, at least, and that stranger an enemy. But the bride was brave as she was faithful. Perhaps she really believed that she might in some unknown way manage to leave with the package and get the much-promised present. Or perhaps she just wanted to be loyal to—— But what is the use of conjecturing?

"Madam," said one of the customs officials in the most kindly voice, when she had seemingly recovered her composure—"madam, we do not wish to humiliate you with a search. If you have anything in your possession upon which duty has not been made, please turn it over to us. Otherwise we will be obliged to search you to make sure."

Even this warning was lost upon the woman. The search was then ordered, and the woman inspector soon "found" the package of diamonds.

All three were then placed under arrest and subsequently released upon their own recognizance. The Brooklyn couple had no difficulty in proving they had unconsciously been made common carriers for Lasar and were brought to trial. Lasar was held by the Grand Jury of Buffalo under ten thousand dollars bail, and as he did not have a friend on this wide earth to step forward for him, he was unable to obtain a bondsman. He was convicted when the case came to trial and was sentenced to the Erie County jail for a term of six months and an additional fine of one thousand dollars was imposed. To avoid the payment of this fine he served an extra thirty days.

Immediately upon his release from prison he pleaded so earnestly to be given a show to begin life anew that some of his acquaintances in New York collected a sum of money for him, and he started for Europe as a second-class passenger in one of the Liverpool steamers. I met him one day shortly after this on the Avenue de l'Opéra, Paris, and he positively took to his heels and ran away.

The last time the man was in New York he was in a sorry plight. He did not have a penny, nor did he know where his next night's lodging was coming from. He was in search of a position at the time and looked to be a skeleton of his former self.

Now that he is down and out, as the expression goes, I pity him from the bottom of my heart. But

is he entitled to sympathy? He was his own undoing. He preferred to be a smuggler to anything else, and the orchard of smuggling is one that bears vainglory blossoms and no fruit. The financial straits of the man and his general condition prove that it is not profitable to try to defraud Uncle Sam. Very rarely do men grow wealthy at the business. They may succeed for a time in piling up considerable money, as did Lasar, but, like him, they must spend it in defending themselves when they are eventually caught.

I know that at one time Lasar was worth two hundred and fifty thousand dollars, and it is believed by those who know him best that all of this he secured in smuggling. His original capital was only ten thousand dollars, and this was loaned him by a friend, an importer of diamonds, who is located on Maiden Lane. When Lasar began to smuggle, the duty on diamonds was twenty-five per cent., so that his profits rolled up fast. When I arrested him the duty was only ten per cent.; but had it been only one per cent., I honestly believe that he would have smuggled just the same. The love of the perilous avocation seemed to be born in him, and he just could not help following his calling.

I am familiar with several cases in which he acted as common carrier of smuggled diamonds before he went into the business on his own account. His commission in these instances was

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five per cent. of the value of what he brought over, the other twenty per cent. defrauded from the Government going to the real owners of the goods. A remarkable fact in this connection is that firms for whom Lasar brought these illegally imported diamonds and other gems were then and still are supposedly respectable brokers in the diamond district. The Government, however, knows who they are, and their time is coming.

They say Lasar is honest now. I hope the statement is true, but, without doing the man any injustice, it is hard to believe. The fox may grow gray, but never good. His life has certainly been a failure. As a great man once said of another, Lasar has spent his life letting down empty buckets into empty wells and trying to draw them up again.

**"I pity him, but must not dare to show it;  
It adds to some men's misery not to know it."**

## MRS. MILES' PEARL NECKLACE

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### CHAPTER I

"In all ordinary cases we see intuitively at first view what is our duty, what is the honest part. In these cases doubt and deliberation is of itself dishonest."—*Bishop Butler.*

THERE was plenty of deliberation in what Mrs. May Miles did, but the jury had its doubt about her doubt. Mrs. Miles' doubt, if she really possessed any, consisted of whether she should declare a pearl necklace brought by her from Paris at its alleged purchase price, or if it would be more profitable to her to let the Government employees appraise it. That was her plain, unvarnished statement of the case. An ungallant jury listened patiently to what Mrs. Miles had to say, and, although she said a lot, the twelve men, for the life of them, were unable to believe that Mrs. Miles was to be believed. As a result this woman is without a pearl necklace, which the court records, her sworn statement to the contrary, show she deliberately tried to smuggle.

Mrs. Miles is the wife of Harry Miles, of Balti-

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more. Mr. Miles, according to his own assertion, is a man of means. His chief identification with the case is that he is the husband of Mrs. Miles, but did not know that she was bringing to this country a new pearl necklace worth \$26,013, which she says she purchased abroad.

The least said about the conditions of this purchase, the better all around. They will not bear the scrutiny of a very powerful searchlight. "Because I would live quietly in the world, I hear, and see, and say nothing" on that score. Leaving, then, aside the matter of who purchased the pearl necklace in question, and under what condition payment was made, there is a general agreement that Mrs. Miles arrived in New York July 22, 1902, with the necklace, and that she failed to declare the same coming up the bay in the steamer, as required by law. Had she done so, many expressions of vituperation and calumny might not have been uttered.

Mr. and Mrs. Miles went abroad in the summer of 1901. Some time in May of the year following it became necessary for Mr. Miles to hasten back to America. He was not engaged in any business, but his sudden return was for the purpose of attending to the details of certain business for his father, who was too aged to attend to them himself. Mr. Miles left his wife in Paris with their maid. It was two months after the return of her husband that Mrs. Miles decided to start for home.

I was in the establishment of Tiffany & Co., 36 Avenue de l'Opéra, Paris, about July 12, 13 or 14, of 1900, when I saw Mrs. Miles for the first time. She was engaged in examining a number of pearl and diamond necklaces when I entered, and I saw her select one which I afterwards seized. The seizure occurred at the pier of the North German Lloyd, following her disembarkation from the steamer America, which had brought her across the ocean.

Mrs. Miles did not take the rope of pearls in question with her from Tiffany's the day I saw her make the selection. I made sure of that. On this occasion she was seated at a table in the big jewelry emporium, and a salesman exhibited numerous neck-chains, "dog-collars" of pearls, necklaces and ropes of pearls for her benefit. Without her knowledge or consent, I was at her hotel in Paris the day following, when I saw several packages delivered to her by an employee of Tiffany & Co. At the time of the seizure in New York I did not know whether the rope of pearls found on her person was half the size of a chain that I had seen her examine in Paris, but the moment I laid eyes on it I identified it as one of the several necklaces that were shown to her in the Tiffany shop.

Mrs. Miles, in her legal fight to recover the property taken from her by me, swore that she made the purchase of it at her hotel in Paris the night

preceding her departure from Cherbourg in the steamer America. In this detail I was obliged to disagree with the woman, and her counsel tried to make a mountain out of the fact that we failed to agree on this and a number of other points, important or otherwise, but chiefly the latter. It was quite natural that there should be more or less disparity in our statements, disprovable as the majority of hers were afterwards shown to be. I will, however, let the testimony and evidence decide these points and stick to a straightforward story.

Before I had even dreamed of meeting Mrs. Miles so soon, I purchased my ticket in Paris to come back to New York on the America. I had no idea that the woman was to be a fellow-passenger until I saw her on the tender in Cherbourg harbor that was taking us to the ocean greyhound, then lying outside near the breakwater.

I had rather calculated that Mrs. Miles would come home later in the season, and by another vessel, it mattered not by what or when, for I felt satisfied that I would demand an interview of her concerning her jewelry whenever she did arrive on this side. I was inclined to believe that, in addition to a necklace of pearls, she had selected a dog-collar of pearls, but, if she did, I never found it, nor did she give it up.

The America made an exceptionally fine run across the Atlantic. Many things concerning this

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narrative transpired during the trip and will be treated when the proper time arrives. One may be told now, however, because of its strong bearing on a statement of Mrs. Miles made on the stand during the trial that followed the seizure.

When we were three days out, or in mid-ocean, the commanding officer of the America gave a tea in his cabin, and invited fifteen of the six hundred odd passengers on board. Mrs. Miles was one of the favored few and I was another. At this gathering many trifling things were said, as is usual at functions of this kind, and during the course of events I was presented to Mrs. Miles by one of the most popular of the passengers.

Yet when Mrs. Miles went on the stand she swore that she had never, to her recollection, seen me before the morning on which I presented myself to her on the steamship pier and asked her to hand over to me the necklace which she received while abroad. I was an utter stranger to her, according to her well-groomed statement, and she added that she was naturally amazed when I spoke to her.

I truly and honestly think she was amazed. Dumfounded would better describe her condition at that moment, for she was unable to talk. But Mrs. Miles had her own reason for swearing that she never saw me before that morning, and she swore to it as positively as the Irishman did to the

identity of the gun which he said he knew ever since it was a pistol.

I do not think it necessary to say that the jury did not believe this or a number of other oaths which the woman made. The verdict shows that. Rather than have any misunderstanding on the score that Mrs. Miles *did* see me on shipboard during the trip, I am going to relate a little state secret. Perhaps I should not tell it, for Mrs. Miles' sake, but her lawyers were so anxious to make my actions appear in an unfavorable light that I must of necessity defend myself and relate an incident of the trip that did not come out during the trial.

Another of our fellow-passengers on the America was a "Dr." Sampson, a man about town, who made a living in dabbling in race horses, faro and other "harmless" amusements of the gambler. This man lately sued the Police Department of New York for damages, claiming that a picture of himself which the police had put in the rogues' gallery had no business there, or something like that. The day before the "tea" in the captain's cabin on the America "Dr." Sampson, with whom I had a slight acquaintance, came to me on the promenade deck and said that Mrs. Miles, who had noticed me several times since the ship left the English Channel, desired to meet me, and that he would be pleased to present me.

"No, thank you," was my reply. "I do not

care to meet the lady. Why? I have my own reasons."

I did not then have, nor have I now, the slightest doubt that "Dr." Sampson was telling the truth. He is a man of the world, with all that the expression implies, but his word is as good as his bond, according to those who know him well. Just why Mrs. Miles wished to "meet" me I am at a loss to conceive, but it is as clear as daylight that I was not the utter stranger that she would have the jury believe.

"Dr." Sampson is still alive to substantiate what I say, and so is another passenger, a well-known lawyer, who heard what the sporting man said and also the reply that I made. An effort was made at the time to get the gambler to court, but he was absent from the city. There is likewise another untold incident of the trip to indicate that Mrs. Miles was not entirely unaware of my existence before that eventful morning on the pier, but it will keep. I will take Emerson's advice in this matter and "Be silent, where reason is not regarded and truth is distasteful."

Mrs. Miles brought with her back from Paris twenty-one pieces of baggage, nine of which were trunks. While the ship was coming up the bay to her pier, the custom house officials, as was customary, boarded her from a revenue cutter to take the declarations of the passengers. A deputy collector in charge of the division of the customs

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service, a branch that superintends the collection of duties on passengers' baggage and the regulations relating thereto, was in control of the Government work on the America the day she arrived.

Mr. Miles on former trips had made the acquaintance of the deputy, and that gentleman had instructed his wife to present herself to the deputy on the ship's arrival. This the Baltimore society woman did. The deputy is noted for his kindness to everybody, women in particular, and he took Mrs. Miles on this occasion to a seat in the main saloon, where the passengers had gathered to make their declarations.

"Take a place at this table," said the deputy to Mrs. Miles. "There are only a few ahead of you, and you may make your declaration to this officer."

By this officer the deputy meant an acting deputy collector, whose duty that day was to receive passengers' declarations. The acting deputy was at the head of the table, and when Mrs. Miles' time came the official asked her the customary questions as to how much she had expended abroad for wearing apparel, but the society woman was unable to tell him.

The acting deputy was not satisfied with the answers of the woman and questioned her more fully than is usual. She admitted finally that she had made purchases of wearing apparel during

her absence, but added that she was unable to state to what value. The officer then made an entry across the declaration: "wearing apparel —value unknown." The exact phraseology is quoted, because it was the only leg that the defense had to stand on when the case came to trial.

Having thus disposed of the question of wearing apparel, the acting deputy collector questioned Mrs. Miles specifically regarding the purchase of articles of personal adornment, but she made no answer. At all events she failed to declare the new jewelry then in her possession. Of this part of the affair the evidence of the acting deputy was:

Q. Did Mrs. Miles mention to you at the time you took her declaration that she had purchased any jewelry abroad?

A. No, she did not.

Q. Did you ask her whether she had or not?

A. I am strongly under the impression that I questioned her particularly on that one point.

Q. But you are sure that she did not mention to you at any time during the process of taking her declaration, and before she signed the declaration, that she had purchased any jewelry abroad? Is that right?

A. Perfectly sure of that.

The declaration of Mrs. Miles was numbered 425, and because the witness had to educate the woman's lawyers as to the *modus operandi* of re-

ceiving the statements of incoming passengers, that part of the case was long drawn out and quite tedious. The acting deputy put the woman's declaration with some others that he had taken on the cabin table before him, preparatory to delivering them to another official whose duty it was to collect all the declarations for presentation to the official desk on the pier.

I walked through the saloon shortly before the declarations were removed from the table and picked up the one that Mrs. Miles had made. Her signature affirming to the contents of the paper appeared at the top and the bottom of the document, but there was no mention of any pearl necklace or other valuable jewelry, as the law required. That fact I made mental note of, and afterwards mentioned the fact to the deputy, also saying to him:

"When Mrs. Miles reaches the pier I wish you would be a witness to what I say."

The deputy collector assented, and a few moments later I saw Mrs. Miles on the promenade deck, all ready to go ashore. She wore a dark traveling skirt, a white silk shirt-waist under a light jacket, and a French hat. Two costly pearl earrings were in her ears and her ungloved fingers were covered with rings of all descriptions. I make mention of the clothes she wore for the reason that the counsel of the woman afterwards tried to make believe that her waist worn that day was

made of linen, with a sheer lace yoke, and that she wore the seized necklace around her neck, where, under the openwork, it could be plainly seen.

It is true that Mrs. Miles removed her reefer because of the intense heat when she reached the pier, thus making her waist entirely conspicuous. It was claimed by her attorneys that the removal of this coat gave everybody full opportunity to see the necklace in question that was around her throat. Of course, the woman did not have the new necklace around her throat or anywhere else in plain view.

Mrs. Miles was shrewd enough to put the new necklace in a safe place on her person, and it was not in her pocket, either. It was about ten in the morning when the *America* was warped into her pier, and Mrs. Miles and maid were among the first to disembark. Mr. Miles was on the pier to meet his wife and baby, and, following an affectionate greeting, he took the maid up to the end of the pier and placed her in a closed carriage. Then he returned to that section of the pier marked by the letter "M," where the family baggage was being carried from the ship. I waited more than an hour, the time being consumed in greeting my own family, before I made any attempt to ask Mrs. Miles regarding her failure to declare the necklace which she had illegally brought in.

Mrs. Miles was standing at the end of one of

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her trunks, and her husband was seated on one of them, when I approached with the deputy. There can be no doubt as to the conversation that ensued, although Mr. and Mrs. Miles gave a different version of it, as was expected they would do.

"Mrs. Miles," I said to that woman, "this is the Deputy Collector of the Port." She nodded, indicating that she had met the deputy before. Then the latter said:

"How do you do, Mrs. Miles? I have already met you on board."

"Mrs. Miles," I resumed, "you have some jewelry in your possession which you got while in Paris, and you have failed to declare the same."

Mr. Miles was still seated on a trunk, some four or five feet away, and, noticing this, I said:

"Mr. Miles, I wish you would listen to what I am going to say. You are interested in it, I think."

Mr. Miles arose and came over to where we were standing. Again addressing Mrs. Miles, I repeated that she had neglected to declare some jewelry that had come from Tiffany & Co. in Paris. Mr. Miles seemed to be taken completely aback at the statement, but his wife did not appear to be nearly so perplexed as she afterwards said she was. She made reply:

"You are entirely mistaken. I had some jew-

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elry mended in Paris, and that is all. The repairs did not amount to much."

"Excuse me, Mrs. Miles," I insisted. "I am thoroughly familiar with what you have brought from Paris, and, as you have not declared the same, you will do me the kindness to deliver the same to me."

"Has the United States Government any officers in the jewelry stores in Paris to find out what the Americans purchase over there?" inquired Mrs. Miles, a trifle annoyed.

"The Government has not, if it be of any interest to you to know," I made reply, adding: "It has nothing to do with this particular case, and I again ask you to hand over to me the jewelry which you have failed to declare."

Mrs. Miles hesitated for a full minute, and finally said: "Well, I did purchase a pearl necklace while in Paris, but I only paid eight or nine thousand dollars for it. But please do not take it from me. Must you take it from me?"

"It is my duty to do so," I replied. "I must take it. If you have it around your neck, please pass your finger under your collar and hand it to me here."

"That is impossible," said the society woman. "It is not around my neck. There are too many people on the pier here, and I cannot expose my person by handing you what you want. Is there no private room in which I may go?"

It was the deputy collector, I think, who suggested that we go back aboard the America and permit Mrs. Miles to take the necklace from her person. At that moment the deputy was called away to perform another official task and was unable to accompany us on board.

Mrs. Miles ascended the gang-plank first, with her husband and myself in the order named. We went to the social hall of the craft, and while Mrs. Miles entered that luxurious apartment, Mr. Miles and myself remained out on the promenade deck, seated on one of the many benches that were there.

Mrs. Miles was gone several minutes. Her husband during her absence was painfully crestfallen, and for a full minute after we sat down he made no attempt to speak. At last he said:

"This is a sad ending to a pleasure trip. I cannot explain to you, but it will be a dreadful blow to my people and our friends. Do you think it will escape the newspapers? The publicity is more than I can bear."

"Newspaper men," said I, "have a way peculiarly their own in hearing of cases of this kind. I am afraid that they will get information of it in the usual course of events."

"Will you promise me that you will not tell them?" was Mr. Miles' inquiry.

"Indeed I shall, and, what is more, I shall do all in my power to get them to say as little as possible about it in the event of the news being noised

about," was what I said to the dejected man; for I felt extremely sorry for him—he looked so white and down-hearted.

Mr. Miles was about to say something else, when his wife came towards us. She had a pocket-handkerchief in her hand, and the pearl necklace was inside of it.

"Here is what you want," the woman said. "But must I really give it up? Because I would much rather send it out of the country again if you are to seize it."

"I am afraid that it is too late for that," I made answer. "The Collector of the Port will now have to decide the question of ownership."

I unfolded the handkerchief to make sure that the necklace was there. It was a perfect beauty. A subsequent appraisement showed that there were 246 pearls in all in the necklace, and that it could be wound around the average woman's neck four times, if tightly drawn, or be made into three strings if permitted to hang loosely on the neck. The 246 pearls represented 1,410 grains, and all were fastened by a diamond clasp at the end. In the center there was an immense pearl, while the others graduated in size to form a perfect symmetry. Following a hasty examination of the necklace, I returned it to the handkerchief and placed both in my trousers' pocket. Then I asked Mrs. Miles:

"What has become of the dog-collar of pearls

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which you got from Tiffany's in Paris on this trip?"

"You are entirely mistaken about that. My only purchase there you have taken from me."

"What did this pearl necklace cost?"

"I paid sixty-five thousand francs for it."

Before we left the ship to return to the pier Mr. Miles asked me to give him my card, which I did. It was my official card, and, pointing to the Custom House address on it, I said to him:

"I intend to turn this necklace over to the Collector to-morrow morning at ten o'clock. If you will be at his office at that hour you may make any explanation you choose when I formally surrender the property."

Mr. Miles thanked me and said that he would be there at the designated hour. I had been away from home for several months, and, being anxious to leave the pier with my family, who had come down to welcome me, I hurried away. I kept the necklace at my house in Harlem all that night, and this point was the basis of much criticism by the opposing counsel, who claimed that the law required me to send the stuff to the seizure room without any delay.

I told the deputy collector as I left the pier that I had seized the necklace and that I intended to communicate that fact by telephone to the Collector the moment I reached my home. This I did through the private secretary of that official, add-

ing that I would produce the property in the morning.

It was entirely regular and sanctioned by custom, this carrying to my home of the seized necklace, but the legal talent employed by Mr. Miles pretended to think otherwise. At all events the Collector thought that I had fulfilled my duty in every sense of the word, and the opinion of the lawyers of Mr. and Mrs. Miles to the contrary was for the purpose of attacking my credibility.

When I left the pier, an official of the Government with whom I had been at variance for some years learned of the seizure by me, and sought out Mrs. Miles. He sympathized with her, and by innuendo and cowardly remarks tried to impress upon the woman that I had been hasty in making the seizure, and suggested that she immediately go to the Collector about it. This official was afterwards transferred to an inferior position for his malicious malignity on this occasion.

His words to Mrs. Miles gave her the idea that there was a loophole for escape, and, being a woman of brains, she immediately grasped the opportunity. First of all she announced that all her trunks were not on the pier when I made the seizure, and secondly, she questioned my authority in the premises. Mr. Stevens, while not inclined to be complimentary to me, dared not make the statement that I was not vested with the lawful right to seize her property.

Mrs. Miles, however, had been given her cue, as they say on the stage, and, thanks to Prompter Stevens, she was able to question my actions when, a half hour before she left the pier, the deputy collector again saw her. She said to the deputy collector:

"What is the position of Mr. Theobald?"

"He is a special employee appointed by the Treasury Department, and, while he works in conjunction with the Collector, he is not directly answerable to that official."

"Had he the right to make this seizure?" was Mrs. Miles' next question.

"Yes, indeed," responded the deputy. "This or any other seizure."

Mrs. Miles knew perfectly well that I had the authority to take her necklace away, but she had a purpose in making these inquiries, and, in addition, she had a witness in her husband to prove, as she afterwards tried to do, that she had doubts as to giving up the necklace to me—for all of which the Government had a certain inspector indirectly to thank. Like Mr. Pecksniff in his opinion of Mr. Pinch, the inspector has disappointed me; but I do not think the worse of human nature on that account.

The night of the day of the seizure, while I was entertaining some friends at home, I was surprised to have a card of Mr. Miles handed to me. I went to the door and found its owner standing

on the stoop. I had not given him my home address, and his visit was a puzzle to me. He told me that he had called in regard to the necklace, to ascertain if I could not do something to smooth the matter over. I did not realize at that time that it was a bait designed to catch me, but I see it all now.

"May I come in?" Mr. Miles asked.

"I am entertaining some friends," was my answer. "I will see you in the Collector's office tomorrow morning."

Mr. Miles expressed great disappointment, and said that if I could give him a few minutes' talk on the street he would consider it a great favor. There was a victoria standing at the door waiting to take my family out, and, perceiving what I considered the deplorable condition of the man, I said:

"Jump into that rig. I will join you in a moment and drive you to the 'L' station."

I drove Mr. Miles to the station of the elevated railroad, but it never dawned upon me that I was doing something that left me open to criticism and that the man would take advantage of my good intention. On the trial, however, the lawyers opposing the Government endeavored to make capital out of this action of mine. Gossip and frogs will drink and talk, though, and great stress was laid on this harmless ride.

The morning after this ride I went to the Cus-

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tom House and formally delivered the pearl necklace to Collector Nevada N. Stranahan. Mr. and Mrs. Miles were there, and were informed by the Collector that the jewels would be sent to the seizure-room because of Mrs. Miles' action in clandestinely introducing them into the country. Mr. Miles desired to know how he could recover the property, and Mr. Stranahan told him that he would have to go to a court of law.

Nothing more was said at that time, and neither Mr. Miles nor his wife made any attempt to show, as both subsequently did, that there was any desire to avoid the payment of duty. It was only after they consulted counsel that they discovered, as they thought, that it was as easy as lying to get the stuff back.

When the necklace was sent to the Public Stores it was appraised by George W. Mindil, an expert in precious stones, who for seven years previous was Government examiner, and who for forty years was in the jewelry business in New York. Mr. Mindil placed the foreign value of \$16,258.60 on the necklace, which, adding the duty of sixty per cent., or \$9,755.16, made the home market value \$26,013.76.

The defense protested against even poor old Mindil, who in the trade was regarded as being without a peer in his own line of work. But, then, the lawyers for the claimant admitted the truth of very little that the Government set up. The

Government was trying to rob their angelic client, according to the defense, and if living there were experts in the question of honesty of purpose, the lawyers of Mrs. Miles truly posed as such. Their endeavors to prove something, so long as it was something, reminded me of the attorney who asked a very worthy man what was honesty.

"What is that to you?" said the worthy man.  
"Meddle with those things that concern you."

But, then, the worthy man could not have made such a rude answer to any of Mrs. Miles' attorneys.

## CHAPTER II

"When Beelzebub first to make mischief began,  
He the woman attack'd, and she gulled the poor man.  
This Moses asserts and from hence would infer  
That *woman* rules *man*, and the *devil* rules her."

THERE was a long breathing space between the time of the seizure of Mrs. Miles' necklace and the opening of the trial seeking the return of the property. The case was heard before the Hon. — — — and a jury in the United States District Court at New York. There appeared as counsel for the claimant Lawyer Moore and an attorney formerly connected with the customs service. The Government was represented by Frank Condon and Roy Denby.

The trial began November 30, 1900, and there was a red-hot legal battle from start to finish. There were six counts in the cause of action, but towards the close of the case the attorneys for the Government waived two of the counts as being unnecessary to prove that Mrs. Miles was guilty of "the clandestine introduction of a dutiable article with the knowledge that it was subject to the payment of duty, in violation of Section 3082, United States Laws."

The contention of the claimant, through her lawyers, was, that when she made the declaration as having purchased "wearing apparel, value unknown," she did all that was required by law, and that this very entry on the declaration included the pearl necklace in question. Of course, it was a ridiculous claim and never could have stood on its own bottom. The defense did admit some things, however. It was conceded by Mr. Moore that the jewelry under seizure was dutiable at sixty per cent. *ad valorem*, but this eminent lawyer insisted that he reserved the right to question any appraisement made by the Government. It was conceded that the goods seized were not on the ship's manifest; that the seizure was formally adopted by the Collector of the Port; and that the property at that moment was in the hands of the Government.

The first witness examined in the case was the acting deputy collector, and, after a lengthy explanation of how he took the declaration of Mrs. Miles, the lawyers of that woman tried to show that the acting deputy was a particular friend of a particular friend of a particular friend of mine, or some other nonsense of that kind; that the acting deputy and I had a long talk before he took Mrs. Miles' declaration; and that his passing me the time of day meant a conspiracy to get that pearl necklace from the woman who had it hidden away on her person.

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Although the acting deputy did not prove to be a strenuous witness, he showed the lawyers on the other side that he could not be bulldozed into saying things that were not true or that were irrelevant.

Mr. Moore, in pleading the case, moved for a dismissal of the information and for a direction of a verdict in favor of the claimant on the ground that the evidence presented by the Government failed to support the allegations. As to the first count, the claimant contended, he said, that mere acts of concealment did not constitute smuggling or clandestine introduction under Section 2865. He claimed that the evidence showed not only there was no concealment, but that the chain was, in fact, mentioned to the customs official who took the claimant's declaration on board the ship when she swore to "wearing apparel, value unknown."

An attempt to get before the court a private report of the seizure that I made to Collector Stranahan, as an exhibit, resulted in a wonderful display of legal oratory and bickering. This occurred during the time that Collector Stranahan was on the stand. That my readers may fully understand why the defense was anxious to get this personal report in as evidence it is necessary to give a verbatim account of the proceedings which led up to it. The cross-examination of Mr. Stranahan was by Mr. Moore, and was as follows:

Q. Mr. Stranahan, is Mr. Theobald an appointee of yours?

A. He is not.

Q. He is in your office as a subordinate of yours?

A. No.

Q. He is not?

A. No.

Q. He is an appointee of the Treasury Department?

A. He is.

Q. And acts under that department and not under you?

A. My understanding is that he is an appointee of the Treasury Department and detailed to this port, but is not under my direction.

Q. Did Mr. Theobald make a report respecting this seizure to you the day after the seizure?

A. I will refresh my recollection. [After referring to paper.] He did.

Q. Have you the paper there?

A. I have.

Q. Please let me see it.

By Mr. Denby: I object to it.

The Court: I rule that you haven't any legal and constitutional right to look at the paper. I do not rule now whether it is or is not admissible in evidence.

By Mr. Moore: You ruled, as I understand it,

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or at least deferred the final determination of the matter until a later stage of the case, when you would hear me again on the subject.

The Court: I will hear you again, if you have anything further to say, but my view is that a mere notice to produce and an actual production in court of a document belonging to the Government does not give you the right to inspect the document.

By Mr. Moore: I say that I want to inspect the document because it is germane to this case, with the view of seeing what bearing it has on the case.

The Court: If you want to offer it in evidence, a question will perhaps arise, but I do not think the papers of the Government are open to inspection.

By Mr. Moore: I have not seen the document, but because I am not permitted to see it, and the court will not let me see it, I will offer it in evidence without having seen it. I take exception to Your Honor's refusal to allow me to inspect the document before offering it in evidence.

The Court: I do not require you to offer it in evidence.

By Mr. Moore: I know you do not, but I offer it in evidence, although I have not seen it.

By Mr. Denby: I object to it as incompetent and immaterial for any purpose. It is not pertinent to anything on the direct examination of this witness, and second, it is a secret archive of the Gov-

ernment which every officer is required to make in the performance of his duty, and might contain matters which would be impolitic, in a public sense, to have known. Sometimes these reports embrace reports of other things besides the matters in question, and it is improper and it is privileged.

The Court: That is the ground that is troubling me. I do not think the other is of much importance. If this had been offered at the time Mr. Theobald was on the stand, a different question would have been presented from that which is presented now. But Mr. Moore at that time only asked to inspect the document and did not offer it in evidence then.

By Mr. Denby: Even waiving the position I take about its being a secret archive, yet they would have to show its materiality and competency here, and would have to make him their witness as well, and be bound by it.

Perhaps we can simplify this. We are objecting here for a principle, and if it is not to be a precedent against the Government's rights to protect its own archives, we consent that they read that in evidence as a part of their case. We are glad to have it.

By Mr. Moore: I shall offer it in evidence, but I would like to see it.

The Court: You shall offer it, of course. You offer it in evidence, and the District Attorney has

withdrawn his objection to the admissibility of the document, and therefore it will be received in evidence and marked as an exhibit on the part of the claimant.

**Mr. Moore**, in his opening statement to the jury, after explaining at length the nature of the counts and the law on the subject, said:

"This is not a criminal case in the sense that it is a case against the liberty of a citizen. This is an action brought to take away and to condemn the property of a citizen; to deprive him of his property as a punishment for having violated the law. So that the immediate consequence of a verdict in this case adverse to the claimant is to take away the property, valued at sixteen thousand dollars, leaving her still liable, as I understand it, for the duty of the article."

Examined by Mr. Condon.

Q. State what, if any, position you hold under the Government. A. I am Collector of Customs at the Port of New York.

Q. Were you such Collector on the 22d of July, 1902? A. I was.

Q. Can you state whether the seizure which has been testified to, as made by Special Treasury Agent Theobald, of the pearl necklace in evidence, was adopted by you?

Objected to as immaterial, irrelevant and incompetent. Objection overruled. Exception.

A. It was.

Q. Can you state from your recollection the date or the approximate date of the adoption of the seizure by you? A. I could not state positively. The taking of the necklace by Mr. Theobald was on the 22d of July. My adoption was subsequent to July 30, and within a day or two.

Q. The day following the seizure? A. The day following the seizure.

The Court: Now, while this has gone as far as it has, I want to say that for the protection of the claimant's rights, if you wish to recall Mr. Theobald for cross-examination in view of this report, you can do so.

Mr. Moore: Thanks, Your Honor.

Q. Mr. Stranahan, have you with you the regulations issued by the Treasury Department on the 23d of February, 1901, relative to the examination of passengers' baggage? A. I believe I have [producing].

Mr. Moore: I offer this in evidence. Rule five, last paragraph, is one that is important.

Mr. Condon: I object to it.

Q. (by Mr. Denby). Is that a Treasury decision or regulation? A. Why, it is a regulation, I believe.

Q. It has become a regulation? A. Yes.

Q. Printed, isn't it? A. I think so.

The Court: Do you object to this?

Mr. Denby: I object to it. This is a matter of law binding upon the customs officers, and, assum-

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ing it is a construction of these statutes, it is a matter of construction by you and is not a matter of evidence. It is a matter of law and is binding upon the claimant as well as the officers.

The Court: I think it is the same as a statute of the United States. Assuming it is, a statute of the United States would not be admissible in evidence.

Mr. Moore: It is something which we may refer to as a regulation without proving it.

The Court: I do not say that. Whether it is law or not is a matter I want to consider, but you may embody whatever you wish in that as a request to charge.

Mr. Moore: I want to argue upon it. Of course, if it is a statute or regulation having the effect of law, it is a matter of which the court takes judicial notice, and we are all at liberty to quote from it as appropriate and germane; but if it is not, it is a regulation that must be proved in the case, and there is no other way of referring to it, and for that reason I desire to offer it in evidence. If Your Honor and Mr. Denby think it is a statute, that is my own view, that these Treasury regulations amount to law, but to be on the safe side I want to have it in evidence.

The Court: I shall sustain the objection.

Exception taken by Mr. Moore.

Mr. Moore: I would like to have this document marked for identification.

**Marked for identification Exhibit "C."**

**Mr. Moore:** I understand the court to base the ruling on the ground that it is an untimely occasion for offering it.

**The Court:** Oh, no.

**Q. (by Mr. Moore).** Mr. Stranahan, were the regulations contained in that paper printed and promulgated? **A.** These regulations were made in 1899, a long time prior to my coming into office, and I never have examined to see if they are printed; but it is the usual practice, and I presume they are.

**Mr. Denby:** I ask to have his presumption stricken out.

**The Court:** Yes.

**Q.** Don't you know whether or not all regulations of the Treasury are printed and promulgated? **A.** Yes, sir, I know they are not all.

**Q. Not all?** **A.** No.

**Q. And don't you know whether this one was or not?** **A.** I do not.

**Mr. Denby:** We now ask Your Honor to find that probable cause has been made out by the prosecution.

**The Court:** It is not the time for that yet.

**Mr. Denby:** I am simply making it now because that was the rule adopted in the Dodge case, and I think it is proper for the Government now to make its motion for Your Honor to rule that there

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is probable cause for the prosecution at this time. We would like to have a finding on that.

The Court: That has already been determined by the court in the refusal of motion to dismiss.

Mr. Denby: We desire to put the Government in the proper shape of asking for a ruling now. I have a printed transcript of the record of the Dodge case in the Circuit Court of Appeals, where I made a motion at folio 206, and after discussion the court made a finding to the effect that probable cause for the prosecution had been shown, and that the claimants were put to their proof.

The Court: On this question of probable cause should I not hear the other side? It may have some effect on the probable cause. A *prima facie* case of probable cause has doubtless been made out, but there are two sides to probable cause as well as to any other matter of litigation. I will reserve my ruling upon that for the present.

Mr. Moore: The District Attorney having called other witnesses and introduced more evidence, I renew the motion made yesterday upon all the grounds stated.

The Court: The same rulings and exceptions.

The cross-examination of Mrs. May Miles proves beyond a doubt her intentions as given below.

After Collector Stranahan had left the witness stand he was followed by the claimant in the case, Mrs. May Miles. I testified when I was before the

jury that Mrs. Miles had the necklace secreted in her stocking (when I took her on board the steamer after she had disembarked, and when I approached her on the pier sitting beside her husband on a steamer trunk). In giving her testimony to the jury the claimant's attorney wanted to prove that Mrs. Miles had this pearl necklace around her neck, which was covered by the shirt-waist offered in evidence and received as the claimant's exhibits to be later produced in court.

This pearl necklace which I seized from Mrs. Miles contained 246 pearls from one end to another, measuring one and a half yards, or fifty-four inches. It is not likely that a woman would want to wear a necklace containing 246 pearls around her neck, who had purchased it abroad, with every intention in the world to smuggle it, because it would have been a very noticeable fact, and she would have been approached not alone by the inspector who examined her baggage, but by the lady inspectresses, who are constantly on the lookout for just such a prize as she would have presented to the eyes of these inspectresses had she worn it around her neck.

The testimony that she gave to the jury was one pack of lies from beginning to end. They wanted to prove that on the day of the seizure I did not report it to the Collector. As a matter of fact, I telephoned, in riding home with my family from the Savoy Hotel, to the Collector that I had the

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necklace in my possession, and I wanted him to know that I had made this seizure, and that I would bring it to him the following morning to the Custom House, unless he decided to send a messenger to my house for it.

The claimant then wanted to make a great noise regarding this fact, namely, my taking this necklace to my home (where it was deposited in a safe until the following morning, which has been a custom of mine for a number of years after making a seizure. Having seized from Michael Leinkram twenty-seven thousand dollars' worth of diamonds on the same steamer on which Prince Henry was when he paid a visit to America in 1901, those diamonds were taken to my house on a Saturday and kept there until Monday morning, and when the diamonds were taken to the Appraisers' Stores to be appraised and weighed, and when the claimant presented a bill of particulars in the case to prove the theft, there was not as much as a grain missing from all these diamonds. It was an attack upon my honesty, but did not carry weight with the jury.)

The case was finally closed on both sides and given to the jury, who brought in a verdict for the Government, condemning the pearl necklace. An appeal was taken by the claimant and a new trial was ordered by the United States Circuit Court of Appeals for the Second Circuit District. The judges, in ordering a new trial, claimed that the

Government had erred in many rulings of the district court. The case was again tried, which resulted in a verdict for Mrs. Miles. The jewelry was then deported to Tiffany & Co. in Paris.

Whether they ever were returned to this country by Mrs. Miles I am not in a position to know. I am satisfied in saying that in losing this case I lost the best case of smuggling which ever came before my notice. To my mind it was a clearer case of clandestine entry than the Phyllis E. Dodge case, and it was the only case, I regret to say, that I was not successful in.

## WHY MIGHT IS RIGHT, AND WHEN

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### CHAPTER I

NEITHER a beautiful woman nor the pull of a rich man is sufficient to interfere with the eternal placidity of things. When there is a combination of both, as is usually the case, a fierce attack upon the object of its wrath is the result; but it does not always follow, however insistent some may be to the contrary, that wrong conquers.

It seems to be the law of nature in these days of brass that a woman should be beautiful, and as beauty is inseparable from the desire for finery, it is equally as natural that she should be content with no one but a rich man.

I met such a woman in Phyllis E. Dodge. Commissioned to do an important thing abroad for the Government, I embarked, April 11, 1898, on the steamer Kaiser Wilhelm der Grosse. I made many acquaintances during the trip, and among them was a member of the New York Stock Exchange, who is now dead. He was a young man, clever and generous, and able, whenever necessary, to stir the blood of Wall Street to its profoundest depths; yet, like many great men who have gone before him, he was as weak as a sick kitten every time a

certain pair of sparkling eyes were focused upon him, which was too often for his good.

These mirrors of a blackened soul were on that ship, too, and it did not take me long to discover that love was a weary word to this woman and that the man's love consisted of physical fire only. It was plain that he had a lesson to learn. I knew the young man's father very well and felt deeply for them both.

Aside from the fact that nearly everybody on the ship knew intuitively that Phyllis E. Dodge was not the young man's wife, few could but admire the woman. She was tall and stately, a pronounced brunette, with black eyes that reminded me of a famous line in which those kind of optics were coupled with the de'il, and with a vivacity that swept everything before her. She charmed and captivated everybody at will, and once, at a race track in England, when she was gowned in a most bewitching Parisian costume, she had an army of light-headed Britons ready to lay down their lives for her.

As an additional traveling companion to this wealthy young man was a diamond broker, whose father some few years before was closely identified with a scheme to defraud the Government by smuggling precious stones from Europe into the States by way of the borders of Canada. The young diamond broker was, in turn, accompanied by two women. I had no trouble in learning the

general reputation of the five, and I likewise was not surprised to be informed that it was very bad. The Wall Street man with Mrs. Dodge, and the diamond broker with the other two women, occupied one of the smaller tables in the saloon at meal-times. They were the gayest people on the ship, and flaunted their fine feathers as only those lost to shame can do.

When the Kaiser Wilhelm der Grosse reached Cherbourg, the banker, the diamond merchant and the three women departed on the tender, and I heard the wine steward sigh. Their going was a deep loss to him. France received them with open arms; they were of her kind. I forgot all about them ten minutes after they were gone, and might not have given them another thought had it not been for some information I received a few days later in London.

A part of my mission abroad was to have a conference with Major Williams, a special agent of the United States Treasury Department, in charge in Europe, with headquarters in Paris. I had intended to remain in London ten days, but, learning that a young American banker, who was in company with a woman named Dodge, had purchased in Paris, a few days before, a piece of jewelry, called a stomacher, at a cost of three hundred thousand francs, or about sixty thousand dollars in American money, I determined to curtail my stay in the English capital and run across the channel to see

Major Williams. The latter assisted me for the three following days in making a tour, but we were assured that no such dream of the jeweler's art as described had been purchased. So we dropped the matter.

About a week after I met some friends at the Café de Paris, and one of them invited me to call on an acquaintance at the Hotel Maribout. It was about ten-thirty in the evening when we reached there, and my friend, who was a New York merchant, sent up his card with a note saying he would call again at some more seasonable hour. The page brought back a message asking that we go up to the apartment, if only for a few minutes. I had not asked my friend as to whom he wished to pay his respects, and was greatly surprised when I entered to find myself in the presence of Phyllis E. Dodge. She was attired in the most gorgeous evening dress that I have ever beheld. With her at the time was the young banker (to whom I have already referred) and a tourist who had come over on the Kaiser Wilhelm with us.

Now, this brunette, who was five feet seven inches tall, was an extremely vain woman. It was the unsatisfied yearning of the heart that induced her, half an hour after we had arrived, to say:

"I want to show you, gentlemen, the handsomest piece of jewelry that ever graced the body of a beautiful woman. And I am beautiful, am I not? Just as if you dare to say anything else!"

There was a scurry of silken robes for an instant, and this "affinity" disappeared into an adjoining apartment and presently returned with the identical stomacher that was so accurately described to me in London. It was the most dazzling article of adornment I had ever seen. It could be so subdivided that part of it might be used as a tiara for the hair. There were no less than three hundred diamonds in it, more than one hundred emeralds and about seventy-five pearls.

I forgot the magnetic influence of the woman in the grandeur of the ornamentation that was passed to me. I examined it most carefully, and, being a fairly good judge of stones, readily noticed that all were of good size and excellent color. At the end of the stomacher there was a drop pearl, pear-shaped, and I could not help making a mental note that for brilliancy and color I had never seen its equal. This pearl was nearly an inch in length.

"It is a present from a dear friend," said the delectable woman of the world, with one of her sweetest smiles. "It cost a pretty penny, too. But it is none too good for me, think you?"

This was said with an archness that was part of her very existence. I never fully realized until then the meaning of silence being strength. Here was a woman who was a match for the best man alive when it came to cunning or perspicacity, yet

she was splicing a rope that would probably hang her, and she little dreamed that I might be her executioner, as I really expected to be, considering the fact that I felt morally certain she would make no attempt to pay duty on that precious stomacher when she returned to the States. But I did not tell her what I was then thinking, and, faith! I did not know her thoughts, for which latter condition of affairs I am not sorry. The next time I saw this human siren was on the steamer St. Paul, coming up New York Bay.

I came back from Paris by way of Switzerland, after transacting some official business in this European center, and reached the metropolis early in June. I was dining at a friend's the Sunday after my arrival, when he handed me a slip of paper, saying:

"Here is the name of a lady who is a friend of a dear friend of mine, and if you will get her the courtesy of the port I shall appreciate it very much."

I bowed and put the paper in my pocket without even glancing at the name. It was not until I reached home that I discovered that the request my friend had made was in behalf of Phyllis E. Dodge. I lost no time the next day in seeking my friend and informing him that I would not, under any condition, ask the courtesy of the port for Mrs. Dodge. He did not demand any explanation and I volunteered none.

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A few days later I was waited upon by the young man who had accompanied Mrs. Dodge abroad, but who had returned before her. His mission was to get me to use my influence in having courtesies extended to Mrs. Dodge when she arrived.

"Indeed, I shall not," I said. "All the influence in the world would not induce me to do so."

He wanted to know why, and I said that information had been lodged with the Government against the woman, but I did not, for business reasons, tell him that I had lodged the information.

"Why," said the young banker, "the information is a cigarette dream. If any purchases have been made by Mrs. Dodge, they will consist of a few dresses and nothing more. I will give my personal guarantee that she has bought nothing else."

Mrs. Dodge came in on the St. Paul, June 24, and with a special agent whom I had taken into my confidence I proceeded down to Quarantine to intercept the ship before she reached her pier. I pointed out Mrs. Dodge to the special agent and instructed him as to what to do. I was anxious that he should make no attempt to talk to the woman about any jewelry or the like until after the craft had berthed and her baggage had been placed on the wharf and duly inspected. I wanted to remain in the background for obvious reasons.

I had no suspicion that my instructions would not be faithfully carried out, or that the investi-

gation of the woman's baggage would be anything but regular. But time opens many graves, and even at the distance I was from the location of Mrs. Dodge's trunks I could see that the special agent was altogether too much interested in the woman whose arrival I had been patiently waiting. Her friend, who was also, but differently, interested in her coming, arrived on the pier a few moments before she came ashore, and subsequently I noticed that he was in close consultation with the special agent.

What was clearly a perfunctory examination of the luggage followed, and with its completion the inspector who performed it went after an appraiser. The latter, with the inspector and the special agent, hovered about the trunks for a few minutes and then came over to where I was with the information that the stomacher was not in the baggage, and that all the other pieces of jewelry which Mrs. Dodge had with her were old. All three officials agreed upon these points.

I immediately went across the pier, determined to handle Mrs. Dodge without gloves. I demanded to see her jewelry. She had a valise in her hand and replied that her jewels were in that. I took the valise from her and opened it, removing a jewel casket. The special agent and inspector seemed unable to talk when I pulled this casket out. The box contained, in addition to a pearl necklace, a collarette or dog-

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collar of pearls and a number of other pieces of jewelry. The necklace was made up of sixty-one pearls of enormous size and brilliancy and had a diamond and pigeon blood ruby. The collarette had eleven strands of pearls, five bars of diamonds holding the strands together. When I had finished an examination of the contents of the jewel casket her friend stepped up and asked me what I intended to do with the valuables.

"They have not been declared, according to law," I said, "and must be seized."

His face turned livid with rage, and he was unable to talk for a full moment, but he finally shouted:

"You don't dare to seize this stuff. Do you know who I am?"

"Perfectly," I replied. "You are a millionaire, with might on your side. I am simply a servant of this Government, but I have right to back me. I mean to seize this property, and, aside from my superior officer, there is not a man alive who can prevent me."

"I'll make you suffer for this. I'll put you out of the service."

It was my turn to get angry. "If you impede me in the slightest way," I said to him, "I'll turn you over to an inspector, with instructions to arrest you for interfering with a Government officer. I am not dealing with you, and I do not fear your

money any more than I do your influence or your threats."

Then, turning to Mrs. Dodge, I asked her what had become of the stomacher which she had shown me in Paris.

"I did not take it," she said naïvely. "I did not like it, you see, and returned it to the jeweler's, taking these two pearl necklaces instead."

Her friend tried to interrupt the woman, going so far as to say, "Don't tell him anything. I'll take care of him."

But she would not take his advice, remarking: "What's the use? He probably knows more than you think," which was the truest word she ever spoke, although I am rather inclined to the belief that she was not always on terms of the closest intimacy with the truth.

About this point of the scene on the pier the deputy surveyor, in charge of the inspectors at the dock, arrived on the ground and asked the special agent, with whom I had conferred so many days and upon whom I largely depended for assistance, if he would assume the responsibility of the seizure.

"Not if I know it!" he exclaimed, looking away from me.

"How about you?" inquired the deputy surveyor, addressing me. "Will you assume the responsibility of this affair?"

"Yes, indeed," I replied. "I would have no

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hesitancy in doing so if it were twenty times as big a case. Aside from doing my duty, I want to show this man that I do not care a rap for his millions."

I was dumfounded at this juncture by the special agent clapping his hands with joy and shouting that he would share the responsibility with me.

I turned my back on him. So did the majority of his friends when they heard the story. He never explained his peculiar actions of that day, and I am afraid he would have been unable to do so if asked.

The jewels were brought to the Collector the following morning and were then taken to the Appraiser's room. The best experts of the city were summoned to pass judgment upon the necklace and collarette, and they were appraised at sixty-four thousand dollars. How reliable was this judgment may be imagined from the fact that when the Government sent me abroad the following August to ascertain how much was paid for the jewelry, the manufacturer who sold it to Mrs. Dodge showed me his books, and the figures varied only two per cent. from the official appraisement.

Before recounting the result of the legal battles for the possession of these jewels, I want to say that while some had doubt as to the honesty of the special agent who was on the pier when the property was seized, I had none. I do not think he received a penny for his peculiar actions on that day. He

was, like many others in the service, afraid of the millionaire, and the fear of getting into trouble blinded him to his duty. He was simply a chunk-headed fool, and that was all.

There were many remarkable features of the trial, and there were many surprised, including myself. I knew what to expect of Phyllis E. Dodge. I knew that she had the natural art of the actress, and although she had never been on the stage, as far as official knowledge went, still she was the peer of scores back of the footlights in serenity, piquancy, facetiousness and artificiality. She always made a study of her victim, and did it thoroughly and diplomatically, as every human spider should.

I did not know what to expect of her millionaire lover, however, and, notwithstanding many official reassurances from Washington, I felt satisfied that he would attempt some tricks. But, believing in the old saw of "Unsafe are things that are disgraceful," I was serene in the belief that right would prevail.

The case was called for trial on June 12, 1900, or nearly two years after the seizure. There was a notable array of talent on both sides, S. E. Smithers and T. F. Carey appearing for the defendants, and General Wellington with several of his assistants defending the Government.

Mrs. Dodge showed her hand the moment she stepped into court. She was stunningly arrayed

in a gown of immaculate white; diamonds glistered at her ears and throat, and a picture hat, which was the envy of every woman who saw it, adorned her well-poised head. She was clearly one of the most beautiful women to be seen in a whole day's walk, and, as she flashed her dark eyes coquettishly around, there were few who could resist giving her more than one glance.

The millionaire friend was not there. Mrs. Dodge did not lavish any great attention upon any one. She knew she had him safe under her thumb, and there was no necessity for public acting, so far as he was concerned. There were twelve men in a charmed box that Mrs. Dodge was anxious to please, and in little, subtle ways she showered her attention upon them.

At rare intervals only, during the five days in which the trial lasted, did the woman fail to shoot her winsome glances at the men who were to decide her case, and there is no denying that this fusillade of eyes—black, lascivious eyes—had many willing targets. The attorneys for the woman did everything they could to prove that she had means and was accustomed to everything within reach of a woman of large means.

It was most outrageous, but it went on the court records as gospel truth, and there you are! To establish this belief in the mind of the jury the defendant's counsel exhibited photographs of Mrs. Dodge in evening costumes. In all of the pictures

the necklace under seizure was shown as having been worn by her while being photographed.

The lawyers in her behalf contended that her position in life was consistent with whatever purchases she made abroad. The Government proved that the seized property was purchased by her friend and presented to her by him; that Phyllis E. Dodge had no means of her own; that the house she occupied on — Street, New York City, was purchased for her from the actor, Richard Mansfield, by her friend and presented to her by him.

It was clearly established that, aside from being the owner of this piece of property, the woman had no wealth and no other possible means of support. The law, it was shown by General Wellington, was black and white on the question of presents. The law specifies, and is quite conclusive on the subject, that presents of whatsoever nature are dutiable at whatever the tariff calls for, and these goods were clearly dutiable, having been presented to her. To me, one of the first surprises of the trial was when the Government did not call me to the stand to testify. I, above all, felt confident of being able to show intent to defraud.

Contrary to the wishes of her counsel, Mrs. Dodge insisted upon being put on the stand. She had an eye battery in reserve and wanted to use it. She began her testimony with an untruth, saying that while the ship was coming up the bay she

went below to the saloon and sat next to the custom house inspector, "who gave me a blank to fill out." She insisted that this was correct, when cross-examined. To use her own words, I will give the remainder of the testimony as follows:

"The inspector asked me what I had purchased abroad, and I wrote, 'Some linens.' I think it was six hundred and fifty francs' worth, but I am not positive. Then he asked me if I had purchased anything else, and I said, 'No, I don't think so; but, suddenly remembering, I again made answer, 'Oh, yes, I did, too—a little dog and a trunk.' He told me that I would not have to declare the trunk, but that the dog was in all probability dutiable. I told him how much the dog had cost and declared it. Then he asked me if I had bought anything else, and I replied in the negative. He then gave me a ticket, and I came away."

In reply to questions from Mr. Carey, her counsel, Mrs. Dodge said that when she came off the ship with the valise in her hand she did not know that presents were dutiable. She admitted that the valise contained, in addition to the necklace and collarette, the following articles:

One spray pin, one turquoise bracelet, one diamond chain bracelet, two diamond rings, one emerald and diamond ring, one ruby butterfly, one diamond catch-pin, one diamond scarfpin and a set of pearl buttons which were studded with diamonds and intended for a full-dress vest. These

pearl buttons were pronounced by connoisseurs to be the most perfect and beautiful collection that they had ever seen. They were in a most costly box within the jewel casket, and are referred to specially because it was charged that she had brought them over as a present to the millionaire friend. Her own attorney asked if this statement were not true, putting his query in this way:

"Did you state that the buttons in this box were intended as a present for Mr. —?"

Mrs. Dodge replied that she had never made a statement of that kind. Literally speaking, she went all to pieces when General Wellington took her in hand. Her answers were at first either non-committal or evasive, and there was a merry twinkle in her eye every time she scored a hit. But there existed certain facts that no quibbling in the world could get around, and Mrs. Dodge was finally obliged to admit that everything she had brought with her on the trip in question was dutiable. She was asked if she personally purchased any of the jewels, or whether her own money was used in payment for them, and she evaded the question by answering that she did not know they were dutiable.

General Wellington is as gallant as the knights of old, but he is matter-of-fact, for all that, and he could not possibly let this woman dodge the question. He pressed her for an answer, and she fled behind the protection of "I do not know."

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Q. Now, Mrs. Dodge, you have heard the testimony of the witnesses here, have you not?

A. Yes.

Q. You have been present throughout the trial?

A. Yes.

Q. You heard the testimony as to the officer putting his hand on these things and saying, "If you do not seize them, I will"?

A. Yes.

Q. How long after your coming off the vessel did that happen?

A. Oh, not very long; almost directly after.

The Court: That was Mr. Theobald, wasn't it?

Mr. Carey: Yes, sir.

Q. Now, will you state whether you knew at the time you came off the boat with this bag that the contents of it or any of them were dutiable?

Objected to as incompetent, immaterial and irrelevant under the pleading and under the statute. Objection overruled. Exception taken.

A. Well, I simply did not think that presents were dutiable and I did not declare them. As for those little things I brought, well, I told Mr. — that that was workmanship, and he said that was dutiable, and I said I was willing to pay it, and he walked away and didn't say anything more to me at all. They took everything. I simply did not think a present was dutiable. I didn't know how much it was worth, in the first place.

Q. Mrs. Dodge, did you hear the testimony of

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Mr. —, and whichever other testified to that, that you told him that everything you had in the way of jewelry in this bag had been taken by you out of the United States? Did you ever make any statement of that kind to him?

A. I did not, sir.

Q. Did you state to any of these witnesses that the pearls in this expensive pearl necklace had been taken by you abroad to be strung?

A. I did not.

Q. Did you state to Mr. — or anybody else that these buttons in this box were intended as a present for a friend?

A. Certainly not.

Q. Now, with regard to these buttons, what is their use—for what purpose were they bought or made?

A. Shirt buttons, and studs and cuff buttons.

Q. Are they such as are worn on ladies' shirt-waists or cuffs?

A. Certainly.

Q. I will ask you this direct question, and you need not answer it until the gentlemen on the other side have had an opportunity to make their objection. Did you at the time you came off the dock with this bag in your hand have any intent to defraud the United States out of any duties to which it was entitled?

Objected to as incompetent, immaterial and irrelevant. Objection overruled. Exception taken.

A. I certainly had no such intention whatever.

The Court: I am not quite clear what she said about this first box of buttons, which was the first subject referred to. She had a lot of old things, and a jeweler in Paris made them up, and she told Mr. —— that, and he said there was a duty on workmanship. Those are the buttons first spoken of.

Mr. Wellington: A part of the diamonds in these buttons was in old jewelry, and she took those diamonds and went to an artificer in Paris.

The Witness: He made them into the buttons; he sent me a bill for two hundred and eighty dollars.

By the Court:

Q. Is there much value in these diamonds except the workmanship?

A. Just the workmanship. The diamonds are only little roses, anyway. They don't amount to anything.

The Court: How many buttons are there there?

Mr. Wellington: Thirteen.

Q. What are they set in?

A. Just in porcelain.

Q. Common porcelain buttons?

A. With the exception of the little diamonds; but it is the workmanship that is expensive.

Q. The workmanship is setting?

A. Yes, sir.

Q. Those crosses are diamonds, also?

A. Yes, sir.

Q. Was it, in fact, designed as a present to your friend?

A. Certainly not.

Cross-examination by Mr. Wellington.

Q. About this ring—you are not sure whether there were any of the diamonds in that that you brought over? [showing turquoise scarf ring].

A. Oh, yes, I am sure there were some of them; how many I don't know.

Q. How is it that you are sure there were some?

A. Because the man told me had a few left and he would make me up a scarf ring, so I told him to go ahead and do it.

Q. How do you know that they are not all those that you furnished?

A. They may have been; I don't know.

Q. You don't know anything about it?

A. I know some of them are mine, and they may be all mine. I know what I paid for the thing when finished.

Q. What was the amount?

A. Sixty-five dollars.

Q. You knew that you had purchased these articles, as in this completed form, abroad?

A. Well, I thought it was workmanship, and I did not know there was duty on workmanship, and I asked Mr. —— on the wharf as soon as I landed.

Q. When you were making your declaration on board the ship did you mention these articles?

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A. I was not asked then if I had bought them abroad. I did not mention them, no, because I did not know that I had to declare them.

Q. Haven't you just stated that you were asked whether you purchased anything abroad?

A. I did not purchase them. I paid for the workmanship.

Q. You did not call that a purchase, when you got all except the little diamonds in there?

A. That is the main thing, workmanship.

Q. Haven't you said the diamonds were of no account?

A. I said the workmanship was the chief value.

Q. You purchased that abroad?

A. But I didn't know it was dutiable.

Q. Will you answer the question?

A. I don't know.

Q. Then, as to the ring, that, excepting the little diamonds in it, you purchased abroad, didn't you?

A. I paid for the workmanship of it.

Q. Didn't you pay for the gold?

A. I guess that was in it. I say what he furnished when it was finished was sixty-five dollars.

Q. Did you purchase all excepting the little diamonds in it?

A. I paid for the workmanship of it.

Q. Will you answer the question yes or no? Did you purchase all in the ring excepting the diamonds?

A. Yes.

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Q. You knew that at the time you made that declaration?

A. I knew it was workmanship, and did not know it was dutiable.

Q. You knew that fact, that you had purchased all in that ring excepting the little diamonds, at the time you made the declaration?

A. Yes; I knew I had furnished a great deal towards it.

Q. (Question repeated.)

A. There was not much outside of the diamonds.

Q. Did you or not know that fact?

A. Oh, I knew that.

Q. Now, did you at the time that you made your declaration say to Mr. —— on board the ship that all the jewels you had you had taken aboard with you?

A. He didn't ask me a word about jewels.

Q. Did you state that to him?

A. I certainly did not.

Q. No question was asked you about any jewels?

A. Not a word.

Q. Not a word on the ship by any one?

A. Not a word by any one.

Q. Did you, after you signed your declaration, volunteer the statement that "all the other things I have in my baggage I took abroad with me"?

A. No; not after I signed the declaration.

Q. Didn't you say that?

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A. No; I signed the declaration the last thing when I left the dock, almost seven o'clock.

Q. You did not say that at that time to any of the officers?

A. No.

Q. To Mr. — or any of the officers?

A. I did not.

Q. If you had purchased these things abroad, you knew that purchases of jewelry were dutiable?

A. Certainly.

Q. And you knew you had these articles in your baggage?

A. Yes.

Q. Did you have them, at the time you made your declaration, in your hand satchel?

A. I did.

Q. Now, after you had made your declaration of the linen and the dog, did you say to Mr. — that all the rest of the articles in your baggage you had taken abroad with you?

A. He did not ask me.

Q. Did you, after you had declared the linen and the dog—you recall entering those?

A. Yes, sir.

Q. Did you, after you had signed that declaration and declared those things, say to Mr. — that all the other things you had taken abroad with you?

A. I did not.

Q. Now, you say this pearl band or dog-collar

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and the large pearls with the ruby pendant were given to you in Paris?

A. They were.

Q. Do you recall what date?

A. I do not.

Q. Do you recall what date you sailed?

A. For Paris?

Q. From Paris, or left Paris? A. I left Paris on the 17th of June and arrived here the 24th.

Q. And you cannot state when they were purchased or when you first obtained them?

A. No; it was while I was over there. I don't remember the date.

Q. As near as you can say?

A. Well, I guess it was some time in the beginning of May.

Q. How clear is your recollection about that?

A. Well, I know I had worn them some; I had gone to different affairs, parties and operas, and worn them a good deal, so I had them some time in my possession.

Q. Do you remember about going to any affair in May and wearing them?

A. I do.

Q. What event was that?

A. I went to the opera several times and to parties at friends' houses.

Q. And how are you able to fix the date as being in May?

A. Because I sailed the 17th of June, and I was

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there the whole month of May, and I sailed on the 11th of April, so I certainly went somewhere during the month of May.

Q. I am trying to get at whether you can remember and recall any event in May, with certainty as to the date being in May, where you wore these jewels?

A. Why, certainly; I went a dozen times.

Q. You are sure in May?

A. Yes, sir.

By the Court:

Did you go direct from New York to Paris?

A. I went to Cherbourg and then by train.

Q. On which steamer did you go?

A. On the Kaiser Wilhelm der Grosse, of the North German Lloyd.

Q. Disembarked at Cherbourg?

A. Yes, sir.

By Mr. Wellington:

Q. It only rests as a general recollection you have on which you fix the date?

A. No, I don't know the date.

Q. And you don't know but what it may have been in June that you first wore it?

A. No, I don't think it was in June, because I had worn them a good deal. At least, I don't know; it may have been in June; I don't know, but it was while I was over there. I am not sure and I cannot say just when, but I sailed on the 11th of April and returned on the 24th of June,

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and it was during that time I got them and wore them.

Q. And in Paris you wore them several times?

A. Quite often.

Q. You say these were given to you?

A. Yes, sir.

Q. Did you visit the place of their purchase and inspect these large jewels before they were given to you? A. Yes, to have the clasp made. I think I designed the clasp, because I furnished my own stones for them. I did not see the pearls before they were selected.

Q. Now, confine yourself to the necklace of large pearls with the pendant. Did you ever see that or any part of it before it was presented to you?

A. I never did.

Q. You never visited the establishment where they were purchased?

A. Oh, I have been to the establishment, but not about the pearls.

Q. And while you were there did you ever see them?

A. No, I did not see those pearls.

Q. Didn't you see them in the necklace?

A. Nor unstrung.

Q. How did you happen to furnish the diamonds for the pendant that was to be attached to the necklace?

A. Well, I was told that I was going to be presented with a pearl necklace, and I asked about

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the clasp, and they said it was going to have a plain spray clasp.

Q. Who told you that?

A. A friend of mine.

Q. He was going to make you a present of the pearls?

A. Yes. So I thought I could improve on it by putting a brooch clasp on that, and I had these stones I did not use, and I gave them to this man, and he showed me several designs for clasps, and I had this clasp made then on the large necklace.

Q. Whom did you furnish those diamonds to?

A. To a jeweler in Paris by the name of Morey.

Q. He was the man from whom the necklace was purchased?

A. Yes.

Q. You took them and delivered them to him?

A. I did.

Q. No. 5 Faubourg St. Honoré?

A. Yes, sir.

Q. Didn't you testify you took those diamonds and used your own pearls?

A. I did not.

Q. You simply took them and delivered them?

A. I did.

Q. Did you direct him what to do with them?

A. I did.

Q. What?

A. Make a clasp.

Q. You mean put them around this pendant?

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A. No; to make the clasp.

Q. Of the large pearls?

A. I didn't know anything about the pearls. I didn't know which pearls I was going to get. On the necklace which I was to get I told him to make a clasp for the necklace.

Q. And by that clasp you meant the little pendant, as we call it?

A. Yes.

Q. That is what clasps it together?

A. Yes.

Q. Now, these diamonds around the ruby—did you furnish those?

A. I did.

Q. The ruby you did not?

A. No.

Q. Nor none of the pearls?

A. None of them.

Q. Now, do you know what the cost of that necklace was?

A. I didn't know it over there, but I knew after all this trouble came up.

Q. You were not told there what its price was?

A. No, I was not.

Q. And as to the dog-collar or band, you furnished the diamonds of these little cross-bars holding the pearls together?

A. Yes, sir.

Q. Is that all you furnished?

A. Just the diamonds, yes.

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Q. And that was purchased by whom?

A. My friend.

Q. And presented to you in Paris?

A. In Paris.

Q. And you wore that there several times?

A. Oh, yes, very often.

Q. And that you had in your baggage when you entered?

A. I did.

Q. And when you made your declaration?

A. Yes.

Q. And the large pearls?

A. Yes.

Q. You knew they were both in your bag?

A. Yes.

Q. That you had possession of them at the time you made your declaration?

A. Yes.

Q. I understood you to say that your name was Mrs. Phyllis E. Dodge?

A. Yes.

Q. That is your name?

A. Yes.

Q. Will you swear to that?

A. Swear to it!

Q. Will you swear to that?

A. It is a name I assumed about ten years ago.

Q. What is your real name?

Q. You say you have had this name about ten years?

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- A. About ten years.
- Q. Were you ever married?
- A. I was.
- Q. To a Mr. Dodge?
- A. No.
- Q. What was your name?
- A. I refuse to answer.
- Q. You refuse to answer?
- A. Yes.
- Q. Your name never was Dodge until you assumed it?
- A. Never.
- Q. Where were you living when you assumed this name of Mrs. Phyllis E. Dodge?
- A. New York.
- Q. You were living in New York?
- A. Yes.
- Q. Were you born in New York?
- A. I refuse to answer.
- Q. Why?
- A. Simply because I don't care to answer.
- Q. Why?
- A. I do not care to go into my domestic affairs. I do not think they have anything to do with this case.
- Q. It is simply a matter of your private pleasure that you refuse to answer?
- A. Yes, sir.
- Q. For the same reason you refuse to answer what your husband's real name was?

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A. Yes, the same reason.

Mr. Wellington: I shall ask the court to direct her to answer.

The Court: If you show me that the answer that she might make of the true name, for instance, has some necessary connection with the case, upon which you wish to predicate further, or other proof, I will consider whether I shall direct her to answer. If it is merely to indicate what the true name was, and nothing more, I think I will decline to require her to answer.

Mr. Wellington: The object is, if we can find her true name and of the husband, we can get some track of the history of this woman and find out how credible she is.

The Court: I think for that purpose I shall not require her to answer, considering that she has been going under the name of Dodge for ten years.

Mr. Wellington: That we cannot tell. It is only her statement. If we can get at the proper name we may be able to contradict her.

Q. When did you first assume the name of Dodge?

A. I refuse to answer.

Mr. Wellington: Our information is that it is only two or three years, and we ask the court to instruct her to answer as affecting her credibility.

Q. I asked you if your name was Phyllis E. Dodge?

A. I said yes, and that I had been known by that

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name for ten years, and probably eleven years, and by no other name ever since that time.

Q. Why do you refuse to answer? When and where did you first assume that name?

Objected to that the question had been ruled out.

The Court: I think this answer is sufficient for any purposes of contradiction in respect to what you have just stated, namely, that you expect to show that she has been known by some other name during the last ten years. She says she has been known by no other names during that time.

Q. For ten years, you say, you have gone under the name of Dodge?

A. Yes, sir.

Q. And you refuse to give the name you went under before?

A. I certainly do.

Q. Will you give your maiden name?

A. I will not.

Q. Now, where do you say you live?

A. At present?

Q. Yes.

A. At 104 West Eightieth Street.

Q. You say you own that house?

A. I do.

Q. From whom did you purchase it?

A. From a man by the name of Knight.

Q. Did you pay him the money for it?

A. Who paid for it?

Q. Yes.

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A. A friend.

Q. Is there any mortgage on it now?

A. Not a penny.

Q. Have you any occupation in life?

A. No.

Q. Any means of earning money?

A. No.

Q. Have you inherited any fortune from any ancestors?

A. I refuse to answer.

The Court: Unless there is some special reason why you should not answer that question I think you should answer it.

A. I have been left some little money.

By Mr. Wellington:

Q. How much?

A. I don't remember just how much it was, it is so long ago.

Q. Have you any of it left now?

A. I have a little money. I don't know that it is that: I don't think it is.

Q. I will ask you this square question. I guess you won't object to answering it. Is or is not your whole means of livelihood derived from the support, during this time, from this friend?

Objected to.

Q. You have no occupation and no means of earning money, and you are not earning money by any pursuit or occupation?

Objected to as already answered.

Mr. Wellington: Do you desire to make any correction? If that is understood, I won't pursue it further.

Mr. Carey: Certainly. I would have admitted it all without your asking if you had asked me to.

Q. Getting back to one other point, Mrs. Dodge—I suppose you prefer we shall call you Mrs. Dodge?

A. I don't care what you call me.

Q. I desire to call you what you desire me to.

A. It doesn't make any difference what you call me.

Q. Getting back to the purchase of the pearls, do you or not remember the fact that they were purchased by your friend on the 2d day of June?

A. I told you I did not remember the date.

Q. I know you did; and I am trying to see if I cannot refresh your recollection.

A. No, I don't remember what day it was.

Q. Do you know how soon after they were presented to you that you wore them at all?

A. I do not.

Q. So that if they were purchased on the 2d day of June, and you left Paris on the 17th, you could only have had an opportunity to wear them about two weeks?

A. No, if that was the date. That looks like it.

Q. Did you ever see your friend's affidavit that he made in this case, when you were seeking to have these jewels released?

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A. I don't know whether I did or not.

Q. Do you recollect there was such an affidavit made down at Mr. Smithers' office when you were present?

A. What kind of an affidavit?

Q. An affidavit when there was an effort made with the Treasury Department to have these things released.

A. I did.

Q. Did you see your friend's affidavit at that time or hear it read?

A. I don't know whether I did or not.

Q. Just look at that paper, and I will ask you whether you ever read that before [showing].

A. I know that is true, but I don't know that I have seen the affidavit before.

Q. The matters there stated you think to be correct?

A. I know it is correct.

Q. You notice he states this was purchased on the 2d day of June?

A. I see it is so stated there, and it may be correct.

Q. That you believe to be correct?

A. I told you before I did not remember the date.

Q. Having seen it there now, do you think it is correct?

Objected to.

Q. Now, after reading that affidavit and refreshing your recollection about it, is it or not your best

recollection that these jewels were purchased by your friend on the 2d day of June?

A. I know they were purchased by my friend, but I don't know about the 2d day of June.

Q. And you can't say whether it was in June or May?

A. I cannot.

Q. Do you recollect how soon your friend arrived on the other side?

A. No, I don't know exactly how soon it was.

Q. Do you remember whether it was about the first of June he arrived in Paris?

A. That it was after the first of June?

Q. Yes.

A. Why, it must have been. No, it was not. It was in May. If he sailed—let me see. It must have been in May that he came there.

Q. Have you any recollection about that?

A. I don't know the date—no.

Q. Mrs. Dodge, will you look at the signature there and say whether that is your handwriting? [showing original answer in this case].

A. That is my writing.

Q. Do you remember where you signed that?

A. I do not.

Q. You don't know where you signed it?

A. No.

Q. Do you recollect whether you read it?

A. Of course I read it, or I should not have signed it.

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Q. Were the statements therein, so far as you then knew, true to the best of your knowledge?

A. As far as I knew then, certainly.

Q. Now, you have stated to us that these articles at the time you made your declaration—the articles that were seized—were in your hand-bag?

A. They were.

Q. And as long as they were in your possession they were in that hand-bag?

A. That was not very long.

Q. But they were there all the time you had possession of them, from the time you made your declaration up to the time, or from the time you were called upon to make your entry or declaration, up to the time the bag was taken possession of by the officers, the jewels were in the hand-bag?

A. Yes, they must have been there.

Q. Do you remember that was the fact?

A. Of course.

Q. Now, how did you come to make this statement in your answer: "This claimant, further answering, alleges that there was no attempt at concealment of said jewelry or any part thereof; that the same was partly worn by this claimant and the balance carried in an open bag"? Now, what part of this jewelry that you are claiming in this case was worn by you on that occasion?

A. These same things here?

Q. Yes.

A. None of these were worn by me.

It is useless to give the reader further information regarding the testimony that was given by Mrs. Dodge.

The result of this trial was a decree given for the United States Government condemning all of the property seized. An appeal was taken by Messrs. Smithers & Havens together with my friend, T. J. Carey. (I want to say that never in his lifetime did Mr. Carey work more faithfully for a client than he did to win this case.)

The United States Circuit Court of Appeals quickly ordered a new trial and the case was re-tried. The Government lost the case on the second trial, and an appeal was then taken to the United States Court of Appeals and the case was then won by the Government.

The case itself created such world-wide attention that S. E. Smithers and T. J. Carey took the case to the United States Supreme Court, all of the judges sitting in session, and a decision was given again for the Government.

Then the case was presented to President Roosevelt. The Secretary of the Treasury at that time was present, and a strong appeal was made to President Roosevelt, which was turned down by him, and the Secretary ordered the goods sold.

I was present at the time that these jewels were sold at public auction in one of the courtrooms in the Federal Building, which was the end of the famous Phyllis E. Dodge case.

## THE LEJEUNE JEWELS

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### CHAPTER I

WHAT is known as the Lejeune case was a celebrated one in customs circles. Since I made the acquaintance of Constant Lejeune I have seen most convincingly the wisdom of Sev Stevenson's remark, "All that is necessary sometimes is to stand on guard with an assured countenance." Brass! Lejeune had as much of it as he had polish. Usually these two opposites do not go together. Lejeune was infinite cheek "*a capite ad calcem*," but he had that perfumed argument that carried weight. He came from Belgium, where, I believe, he was once wealthy. Reduced circumstances were given by his friends as an excuse for his attempt to defraud not only the Government, but a number of wealthy persons as well.

Although Lejeune arrived from Brussels on June 18, 1901, it was not until the close of that year that his operations attracted official attention. I left my Christmas dinner to locate the man. For some weeks before, the New York market had been carrying expensive jewelry on which

duty had not been paid. At least, I went over tons of declarations of New York, Philadelphia, Baltimore and Boston, and could not find any record of the property, which was accurately described. The express company which delivered the eighteen pieces of baggage which Lejeune and his wife brought in when they landed from the steamer *Kaiser Wilhelm der Grosse* on June 18 supplied me with their hotel address.

In this way I traced the man from place to place until at last I located his lair in the Judson Apartment House, 53 Washington Place, South, Manhattan. I had in my possession the evening I first called there a list of jewels he had brought in, together with a sworn declaration made on arrival that he had nothing except eight dollars' worth of personal effects. The declaration showed that even those were sworn off and admitted free. Between Christmas Day of 1901 and January 3 following I ran the whereabouts of the Belgian down. When I called at his apartments in the Judson on the night of the last-mentioned date, I was informed by a maid that Mr. and Mrs. Lejeune were not at home, but were visiting friends at No. — Washington Square, West.

Not desiring to disturb the host of Lejeune, I sent a special messenger up to the apartment to request him to come at his convenience to the lower floor. Not knowing me or my mission, he responded more out of curiosity than anything else.

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I told him in very few words that I desired to question him at length regarding the sale of a lot of jewelry that was formerly his property, and also as to the receipt by him from Miami, Fla., of a consignment of valuable goods. That very day, it seems, Lejeune had been blackmailed out of two hundred dollars by somebody more alert than himself, and he seemed to place some connection between that incident and my visit, for he viewed the latter with great suspicion. I showed him my badge, but he laughed at it.

We were in the midst of a heated discussion, when Mrs. Lejeune and her host came down to the lower landing. Mrs. Lejeune could talk English fluently, and addressed me in that language. I explained to her the situation, and she advised her husband, in French, to go back to their apartment with me and talk the matter over. When we reached the Judson I said to Mrs. Lejeune:

“Madam, do me the kindness to turn over your jewels.”

“My husband has them locked up,” she made reply. “He will get them, that you may see them.”

Lejeune went into an adjoining room and presently returned with an immense jewel casket. This he handed to her, with the remark in an undertone that she be careful what she did or said.

The *piece de resistance* of the jewel cabinet was a diadem, about five inches in length and about two and one-half inches wide. It was of fine sprays,

like a bouquet, the center rod connecting the sprays having in its folds a setting that held a most magnificent diamond. This was a Regent or Pitt cut, weighing about five carats. There were also in the casket the following:

Pair of diamond and pigeon blood ruby bracelets.

Pair of emerald and diamond bracelets.

Diamond-studded brooch.

Black pearl set in a ring.

Four magnificent diamond rings.

The emerald and diamond bracelets were worthy of admiration of a princess of India. The emerald in the center, in addition to being fully five-eighths of an inch square, was of the most rich and vivid green I had ever seen. The diamonds at either side of it were Kohinoor cut and graduated from a five-carat stone to one of about one and one-half carats.

The brooch was also a kingly prize. It contained twenty first-water stones, none of them weighing less than three or four carats. The black pearl set in the ring, the Lejeunes admitted, was worth no less than five thousand dollars.

I asked Lejeune what he considered the collection of nine pieces to be worth, and he said about fifteen thousand dollars. I could not help smiling at this, and I remarked:

"There are dozens of dealers downtown who

would fall over one another to get these jewels at that figure."

He shrugged his shoulders, and, with a gesture to his wife, indicated that she place the gems in the casket. I waited until she had done so, when I informed her that it would be necessary to take the entire collection under seizure.

"Everything may be quite correct, madam," I said to her, "but that is for the Collector of the Port to decide."

Mrs. Lejeune was amazed at the idea and protested amid a fusillade of English and French. Lejeune himself grew white with anger, but I explained that it was the usual formality, and that if the introduction of the jewels into the country was regular they would be returned.

Up to this point Lejeune had acted with the greatest tact, but when he realized that I was determined and intended to take the jewels away on my person he became impudent and showed that beneath his veneer there was a composition of inelegant brass. I had told him that I desired to take the things away with the least possible publicity, as I was not anxious to get the affair in the press. This, it seems, gave him an opportunity to resort to stratagem, and he immediately denounced me as an impostor.

It just happened that before I entered the Judson apartment the first time on that night I spoke to a uniformed policeman on the street, introdu-

cing myself and indicating that I might have some use for him. He said that he would be close at hand, and I saw him on a nearby corner when, with Mr. and Mrs. Lejeune, I entered the Judson for the second time. Bearing the fact in mind, I said to Lejeune that the policeman on that patrol would identify me.

"At all events," I continued, "it will be necessary for me to take these jewels, whether or not you choose to go."

Both then said that they would give the jewels over to me, and, while I was making out a receipt for the same, Lejeune, probably inspired by his wife, said that in view of the great value of the property, and the fact that it was night, he would accompany me home and spend the night with me.

It was my turn to object. The upshot of the matter was that I assured him that I had, on innumerable occasions previously, carried much more precious jewelry than that of which he was so careful, and that if he would accompany me to the nearest police station, I would not only guarantee him a safe return home that night, but also an official assurance that he could entrust his property to me, pending a decision by the Collector. Lejeune and his wife walked with me to the Mercer street station-house and were convinced by the sergeant in command that I had the authority to take possession of the jewels. The Lejeunes then retraced their steps homeward.

I had no positive evidence that the jewels were smuggled, though the information that I possessed warranted that conviction. This was my chief object in making the seizure as quietly as possible. I wanted to cover up every loophole of Lejeune before any news of the affair reached the public. My surprise and chagrin may be imagined when, upon arriving at my home at midnight, I found more than a dozen reporters, representing all the big dailies, on hand, awaiting my coming.

I asked them where they had heard that a seizure had been made, and they said that the officials of the Mercer Street police station had given out the information. I insisted that I had nothing to say, but what was printed next morning threw me back several days in my task, if it did not seriously affect the success of several important features of my operations. I learned a lesson from the police that night.

The Lejeune jewels were delivered to the Collector's special deputy the following morning and placed in the Custom House safe. Lejeune did not let the grass grow under his feet. He had the younger Mr. Moon, of Moon Brothers, retained as his attorney. Bright and early the same day, and overflowing with an exuberance of imaginary authority, this lawyer was at the Custom House before the Collector reached his desk.

It was evident from the initial bow of the law-

yer that morning that he was under the misapprehension that the entire United States Government was resting on his shoulders. Mr. Moon represents many French firms, and that fact has helped to make him pompous. He was certainly inebriated with his own importance and verbosity that morning. He spoke about damnable outrages, the weakness of a Government that would permit the violation of a man's home, and a great deal more twaddle of that kind.

His purpose was apparent from the very outset, however. He wanted to scare the Treasury Department of this great and glorious country into returning the Lejeune jewels "without any questions asked." When, finally, he addressed his harangue to me, I told him in undisguised language that I was never frightened when I had the law on my side, and that as I had the power vested in me to perform the duties given to me by my superiors, one of which was the seizure of his client's jewels, I was not to be bullied into returning them pending a decision from a higher authority.

Mr. Moon, in behalf of his client, admitted that Lejeune had arrived in this country on the previous June 18 with a considerable amount of jewelry; that he had become pressed for ready cash two or three months following his arrival and had sold some of the jewelry and was willing to sell the rest.

"What he did was done legally," said Mr.

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Moon. "It was on my advice that he made the sale, and it was authorized by one of your deputy collectors."

This was a startling admission, and evoked some inquiry on the part of Collector Bidwell, to which Mr. Moon replied that when his client asked him for advice as to his desire to sell the jewels, the counsel had written to the deputy collector. An answer was received on November 30 consenting to the sale and stating that duty need not be paid.

"That, sir, is our authority," said Attorney Moon to Collector Bidwell, "and you cannot get around it."

Then followed a lengthy appeal for the return of the property seized. The Collector said that the same would have to be detained pending the pleasure of the department in Washington. The Collector pointed out to Mr. Moon that the deputy collector had written an unofficial letter in a friendly spirit, and that in making a reply to the inquiry of Mr. Moon, he (the Collector) had not been informed in the premises and knew nothing of any consent being given.

"It was entirely illegal on the part of the deputy collector," was the comment of Mr. Bidwell. "So far as I can see, the property is clearly dutiable, and Mr. Lejeune has violated the law in selling this dutiable jewelry."

While Lejeune was scurrying around the next few days trying to keep the authorities off his

track, I managed to secure the name of a man to whom he had sold a quantity of jewelry for \$23,180. In addition, I learned that Lejeune was the proprietor of an immense store on Fifth Avenue, near Sherry's, where he was selling bric-a-brac and expensive furniture. I searched high and low to find some record of duty having been paid upon the imported furniture and fine arts of this store, but without success.

Lejeune, it was discovered, had a secretary whose business it was to introduce the stuff to the attention of wealthy New Yorkers. The sale of the \$23,180 worth of diamonds had been effected through the good offices of this secretary, who, it was ascertained, had to serve papers on Lejeune for the payment of the commission on this sale. The buyer of the jewelry was Baron Erlanger, who had purchased it for his wife.

The Baron was residing in the metropolis at the time, and I located him without any great difficulty. He told me without hesitation about the whole transaction. According to his statement, Lejeune told him that he was hard pressed for funds, which he needed to improve an orange grove near Miami, Fla. He purchased from him one diamond necklace, a large piece which he said was similar to the diadem then in possession of the customs, two bracelets, a solitaire diamond ring, a diamond and ruby bracelet, one half-moon diamond pin, and one diamond and sapphire ring.

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"They were delivered to me on the payment of \$3,000 cash. I gave him my notes for the remainder, \$20,180," is the way the Baron put it.

What the Baron said about Lejeune needing immediate cash to improve an orange grove was an echo of what Attorney Moon said at the hearing before Collector Bidwell. Observe the inconsistency of the lawyer's claims. When I saw Lejeune at his home in the Judson he showed me three policies on the New York Life Insurance Company for one hundred thousand dollars. He displayed them in an endeavor to establish the claim that he was an honest man. Had Lejeune required money as badly as his lawyer tried to make all hands believe, the insurance policies would have secured it for him within a few hours. But he did not want money that way. He preferred to defraud the Government. That was the secret of his financial embarrassment.

Baron Erlanger furnished me with the name of his attorney, on whom I called at his office on West Tenth Street, Manhattan. He gave me a statement of the transaction between Lejeune and his client, from which I abstract the following:

The purchase of the jewels was made November 6, 1901, and they were delivered the day following. The sum of \$3,000 in cash was paid to bind the sale. One note for \$2,000 was given, payable in six months from November 27, 1902. A second note, payable May

7, 1903, for \$8,000, and a third note, payable November 27, 1904, for the remainder, \$10,180, were also in the list of promissory indebtedness. I give the exact dates of these notes to illustrate that if Lejeune could afford to sell jewelry on November 6, 1901, and wait more than three years to get a final payment, he could not have been in any great degree of financial embarrassment. Besides, of the \$3,000 cash that was paid to consummate the sale, Lejeune had promised to give his secretary \$900 for bringing Erlanger into the net.

That the man was not poverty-worn when he made the sale may be surmised from the fact that he gave this same secretary \$200 a few days before he transferred the diamonds to Baron Erlanger. Again, it was learned that Lejeune, in order that he should not be forced to pay any more commissions on any sales of jewels to Baron Erlanger, compromised with his secretary and secured a release from that individual for \$75. This made a total of \$1,175 paid to the secretary out of \$3,000, which he needed so much to improve his orange grove in Florida.

Dovetailing the Erlanger transaction to the complete satisfaction of Collector Bidwell, I began an investigation of the contents of Lejeune's Fifth Avenue "Art Gallery." I visited the place on the morning of January 7, 1902. It consisted of two large salesrooms and was street-numbered 520. Outside, there was a brass sign calling attention

to the fact that a collection of fine arts and household goods were on sale. There were magnificent paintings, statuary, rugs, bric-a-brac and furniture in abundance, and, as I entered, a young saleswoman came forward and asked me what I desired. I told her that I merely desired to look around, and she volunteered to accompany me.

The young woman explained everything in detail, informing me of the price from the tickets which were attached to the articles I examined. These prices were marked in plain figures. In a rear room there were fourteen pieces of gilt furniture without any upholstering except the covering of the springs. Under the law, imported furniture that is not upholstered is dutiable. That these fourteen pieces were imported was certain. Their workmanship and design were far superior to anything I had ever seen. The young woman gave their price as \$12,000. In this set were included a mantelpiece and a screen, which, like the remainder of the set, were simply framework.

From the gilt furniture, the saleswoman took me to two magnificent vases that were made of onyx and were twelve feet high. The price asked for these was \$9,000 each. Near the vases was a clock built on an onyx pedestal. It was an ideal piece of workmanship, and its design was in every particular as elegant as the vases. It seemed to make a complete set with the latter. The sum of \$4,000 was asked for the clock.

Behind this onyx dream was a painting by a famous artist, 15 feet long by 8 feet high, which the young guide told me was worth \$12,500. Then we came across a bedroom of the sixteenth century. It was complete in every detail—of solid mahogany and of a most inviting design. The price in this instance was \$6,000. For a dining-room set \$7,000 was asked. Not allowing for the countless smaller things which the young woman displayed, I afterwards figured out that I had examined \$64,900 worth of stuff, which, in due time, was seized.

I proved beyond all reasonable doubt that nearly all, if not the entire contents of these sales-rooms had been imported by Lejeune from Brussels. I do not dispute that the stuff may have been his personal effects, and that under certain conditions it was entitled to free entry. The law states that a passenger, on his arrival here, be he a foreign subject or an American resident abroad who has spent more than two years on the other side, is permitted to bring with him his personal effects and household goods, provided he takes the oath swearing off the penalty.

But the strongest part of that same law is that it is specifically stated upon this swearing-off certificate that the goods which he asks to have admitted duty free are not for sale. Lejeune, whether or not he had any legal right to bring the jewels and furniture in, duty waived, violated the trust

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reposed in him when he offered them for sale, which he certainly did. Collector Bidwell repeatedly stated that he wished to be perfectly fair in the matter, and added that if the Lejeunes, through their lawyer, would guarantee to return on demand the jewels then in the Custom House, he would surrender the property to Attorney Moon, pending a decision from Washington.

The Lejeunes evidently had not acted in perfect faith with their lawyer, because the latter absolutely declined to assume the responsibility for his clients. Criticism is not necessary in this connection. To further emphasize the lack of honesty of Lejeune I will briefly state the result of my additional investigation.

First of all, his claim of being compelled to sell some of his jewelry was a prearranged one, and I believe that his lawyer afterwards made this discovery. Lejeune did not bring the jewelry to this country, nor did his wife. They were in the safe of the Grand Central Hotel for several days before the Lejeunes arrived.

On June 16, two days before Lejeune reached Manhattan, there arrived at the hostelry just mentioned one Octave Fontaine and his wife. Lejeune, through a prearrangement, was to go into business with Fontaine in New York. The Fontaines left the Grand Central Hotel June 21, three days after the arrival of the Lejeunes in the steamer Kaiser Wilhelm der Grosse. Mrs. Fontaine returned to

the hotel on June 24, followed the next day by her spouse. They again left the hotel June 27, and, as they had brought the Lejeune jewelry there, it is safe to assume that the valuables were in the safe of the hotel for fully eleven days.

Concerning the movements of these jewels prior to their sale, they have been pretty well traced. —, a reputable banking house, who produced their books for my benefit, show that on September 17, 1901, Octave Fontaine delivered to them a sealed package for the "account of Constant Lejeune." Another entry shows that on September 21 of the same year "one sealed package, said to contain jewelry," was delivered to the firm by Charles Lejeune for the account of Constant Lejeune. This Charles Lejeune is a brother of Constant Lejeune. A receipt by Constant in possession of the firm shows that on October 23, 1901, the package was delivered to him.

The books of a certain banking house are a living testimony to the fact that Lejeune was not in the financial distress that his attorney claimed. They show that on June 13, five days before Constant and his wife arrived in this country, a package of bonds of the city of Paris was received by the firm for their account from the Crédit Lyonnais of Brussels to the value of thirty-two thousand francs. On July 16, 1901, the sum of twenty-eight thousand francs was sent to the Crédit Lyonnais of Brussels by Constant, and the memoran-

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dum attached to this account states that "the remaining bonds are to be held at the disposal of Octave Fontaine, who will apply."

The firm, on July 26, as per entry in its books, delivered to Octave Fontaine ten bonds, Fontaine filing a letter from Lejeune as identification. Three days later there was delivered to him "one sealed package, contents unknown." That Constant and Fontaine understood each other perfectly may be gleaned from the following, which is a copy of an original letter dated Miami, July 23, 1901, the original being in the possession of the Government:

MY DEAR FONTAINE: I send you to-day the jewels. Just think, they made us pay sixteen dollars for insurance. Please do not forget to wire me as soon as possible the amount which can be put at my disposal, with date, etc.

(Signed)

CONSTANT LEJEUNE.

MY DEAR FONTAINE: I hereby confirm my letter of the 23d inst. In case you should not have ordered my wine, it would be kind of you to add thereto ten half-bottles of Pom Greno Extra Dry. Could you not find among your friends a party that would undertake a sale of two large paintings, "Marine" and the "Dog of Verbockeren"? Do me the favor when you write to "Madam" and request her to hurry the shipment of the jardinière, and don't forget to present my compliments to her.

Yours lovingly,

(Signed)

CONSTANT LEJEUNE.

Both of the above are literal translations and no attempt has been made to alter their construction. Constant, during July, had asked Fontaine to ship to Miami from the other side a quantity of empty jewel cases. According to Lejeune's suggestion,

they were to be hidden in some cases of merchandise to escape customs observation. Fontaine was a bit squeamish about getting into difficulties with the custom house authorities of this country, so he left the jewel cases in Brussels, where they are still supposed to be. Fontaine went back to Europe the last part of August, and when he returned to Miami the following December he found the following letter from Charles Lejeune awaiting him there:

DEAR FONTAINE: Will you please remit to me as soon as possible all the money and bonds and boxes (I mean *les ecrins de bijoux at le ceach d'or diadem*) that my brother has trusted to you? If you do not have them here, please let me know where they are and when I can get them.

Yours truly,

(Signed)

CHARLES LEJEUNE.

I do not know what Fontaine's intentions were regarding the jewel boxes, but it seems that he had some sort of reverence for the customs law of this country. He came to me with the documents affecting that portion of this celebrated case, and my advice was to treat the Lejeunes with the respect that distance and experience would sanction. This fatherly advice was followed to the letter, and resulted in the curtain being rung down upon the serious comedy that the Lejeunes had staged for the unsuspecting American public.

But the law is an odd affair. When we consider ourselves most secure, that is the time for Mr.

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Technicity to make his entrance and captivate the audience. I was of the opinion that I had obtained sufficient evidence to make even Charles Lejeune ashamed of his own brother. To strengthen my case against Constant, I had secured from a famous jeweler's establishment on Fifth Avenue a receipt for the return of a black pearl ring which he had given the jeweler to sell. The receipt reads:

"Received of — & Co. one black ring which was left with them to sell. Valued at \$11,000.  
(Signed) "CONSTANT LEJEUNE."

This receipt evidently referred to the black pearl ring which I seized with the other eight pieces in the Judson apartment. If it was worth eleven thousand dollars, what must have been the entire value of the property that I took from him that night? Certain it is that the pearl was worth much less than either bracelet.

In view of the above facts, seemingly convincing of wrongdoing on the part of Constant Lejeune, I rested content that conviction was as sure as fate. I knew so much of the man that I had not told that I did not think it necessary to drink up the whole puddle to find that the water was dirty. Collector Bidwell personally took the case to Washington.

The authorities there decided, in view of the station occupied by Lejeune and his wife in Eu-

rope, of their wealth there, and the fact that they displayed bills from the jewelers there of whom they purchased the jewels, and that they had the jewels in their possession one year prior to their arrival in this country, that the property should be absolutely released. The furniture and bric-a-brac were, however, held to be clearly dutiable.

What I think of the matter is another thing entirely. I used to have different views, but now I am a firm believer that "laws, like sausages, cease to inspire respect in proportion as we know how they are made."

## PROFESSIONAL SMUGGLER

THE Government officer must deal with all grades of society, from the highest down to the very dregs of humanity. I have found from my experience that the possession of great wealth does not deter many men and women from the attempt to evade the United States Government duties. I have also found that, as the act of smuggling is criminal, or bordering upon criminal, it is only natural to find members of the criminal classes and sharpers of all descriptions engaged in such attempts. Thus I have come to use the term, in common parlance, "professional smuggler."

To outwit these two classes, the Government must or should have a man or men possessed of the peculiar qualities which will enable them to deal on the one hand with men and women who have been clever enough to accumulate great wealth, and who challenge the wits of the Government officers in attempting to get past the Port of New York with jewelry purchased abroad, and on the other hand, the smugglers of the criminal class, who by common consent are known to be the brightest and most unscrupulous persons who

cross the Atlantic, because they have sharpened their wits against those of the best legal and police authorities of the world.

It must be also apparent that with each seizure of goods, with each foiling of an attempt on the part of either of these classes to evade the payment of duties, a considerable financial loss ensues to the smuggler—a parting with prospective gains—a crushing mental disappointment.

When the would-be smuggler is of the female sex, and the articles which she attempts to carry through are of a very valuable nature, such as jewels, furs or laces, the disappointment is all the more keen from the fact that such articles are well known to be very dear to womankind, and it is only natural that she should attempt to rally to her support, for purposes of revenge, all the influential male friends whom she may possess.

Therefore it follows that when a Government officer has achieved considerable success in this class of work he becomes a marked man. Against him are leveled the shafts of malice, hatred, revenge, foul slander, calumny and the grossest kind of personal abuse and vilification.

If you will stop to consider why this should be so, you will observe that while perhaps a millionaire manufacturer would not stoop to such methods, on the other hand they are the only ways by which the scum of society can make its malice felt, unless by means of personal violence and attempts of physical injury.

## THE CASSIE CHADWICK CASE

THE half of Cassie Chadwick's colossal swindles has never been known, and probably never will be; and much that is known will never be divulged. It is not until now, in these pages, that I have been able to make public the incidents of her long and successful career in the smuggling line, which came under my notice during my connection with the Treasury Department, as their special agent. That the knowledge of this particular phase of her varied criminality did not extend outside the Official Ear is due to the fact that at the time of her prosecution, 1903, in Columbus, Ohio, she was indicted only for certain individual fraudulent transactions, and exclusive of Government fraud.

Although six years dim remembrance somewhat, my visual memory clearly recalls this wonderful woman as I first met her in 1902; alone in the great saloon of the steamer Kaiser Wilhelm der Grosse; outwardly an unassuming, conservative, well-bred woman of about sixty-five years; tall and slender, with iron-grey hair, unpronounced features, and intelligent, dark eyes;

quietly but richly dressed—a sort of well-gowned Hetty Green; a woman who, even in small gatherings, would not have attracted attention, either favorably or unfavorably, as it seemed to me. Yet this physically inconspicuous figure was, as the world knew later, a veritable colossus of achievement, in her own unlawful line, whose woman's wit outwitted the brains and experience of some of our most noted financiers; and who, also, as I shall prove in this story, successfully depleted one of the most essential branches of United States revenue until the time of her arrest.

I have frequently been solicited, by newspaper representatives whom I would have liked to favor, to give this story of the Chadwick Smuggling Case to them; but, having promised certain prominent persons not to do so, pending my reinstatement in the Treasury Department, which took place in 1907, I was obliged to refuse. I am now, therefore, at liberty to give it here, just as I know it to be true, without exaggeration, and for the first time.

Having much occasion, in my work under the Government, to know the general frailty of human nature, I am indeed glad that I was not called upon at the trial of Cassie Chadwick to cast one stone at this offending, aged woman who, after a little more than one year's imprisonment, having been suddenly thrust from an environment of luxury into abject, sordid surroundings, disgrace, and

the world's opprobrium, succumbed speedily under this combined misery to the heavy destroying hand of sickness—that avenger of the rich and poor alike, the Nemesis that overtakes us all—and expiated her sins in death. When the dark clouds of merited disgrace enveloped her in that twilight of final obscurity from which she never emerged, the bold and scheming heart that had never failed her before grew faint, and she withered in the presence of One with whom she had never before been confronted. The iron-grey hair whitened, the spirit flagged; the once erect frame became bowed—and so ended one of the most sensational criminal cases of the day, the true inwardness of which evaded the brightest legal lights.

Every one who reads knows the facts of Cassie Chadwick's final detection, apprehension and bringing to justice; but comparatively few know that she was one of the most successful smugglers of her age. As early as 1902 the late Cassie Chadwick of Cleveland, Ohio, who was later embroiled with certain bankers of Ohio and rich men of Pittsburg, financially, had attracted the attention of the Custom House officers, as a probable smuggler of jewelry, and was already under the surveillance of their force. As a special agent of the Treasury Department I first became associated with the "Chadwick Smuggling Case" on one of my trips to Europe, May 17, 1902, and became cognizant of her methods of ordering jewelry and

stones in Paris. Major Williams, who was at that time in charge of the Paris office, and myself, having ascertained that she had an arrangement with a certain jeweler there, on the Rue-de-la-Paix, to set precious stones and rare jewels to order for her, finally secured a clerk in the employ of this jeweler to part with the secrets of his employer. In pursuance of our plan with this clerk it was agreed that all of Cassie Chadwick's orders should be displayed in the window of this jewelry store, and in a certain prearranged place, in certain special boxes, such as are customarily used for window displays of this sort in jewelry establishments. This arrangement was carried out, and in this way we were enabled to photograph every piece of jewelry belonging to her and give an accurate description of it. So that at that time we were in possession of absolute reproductions of over one hundred different articles of jewelry which had been made up to order by this Rue-de-la-Paix jeweler for her; this alone forming most convincing evidence that the unfortunate woman's statement, which she made in court at the time of her trial and conviction, to the effect that she did not "import merchandise or jewelry," was a perjured one.

Up to this time, however, in spite of every possible effort, so carefully did Mrs. Chadwick guard her movements that we had not been able to dis-

cover when, or on what steamers, she left port either in America or Europe on her many trips, doubtless made for smuggling purposes; although she was always accompanied by her son and daughter, and we had a description of them all. She had always selected the steamships and routes least likely to be chosen by one of her supposed wealth and position, as it appeared; and thus had always successfully evaded us. Nevertheless, the most skillful schemer eventually meets his counterpart, and finally it was learned that she would arrive from Europe on the steamer Kaiser Wilhelm der Grosse, June 17, 1902. At this time I was in New York; so, intent on meeting this cleverest of women, I boarded the steamer at Quarantine; but, as I found that this same information was already in the possession of other special agents, and the Surveyor's staff, I did not take any active part, any more than is here related, on this particular occasion, preferring that the other agents should assume the initiative. However, wishing to assure myself that this was the veritable Cassie Chadwick who was under suspicion, I remained carefully watching for possible developments. It was then the custom of the Government to have the vessel boarded at Quarantine by the Surveyor's officers, in order to take the declaration of the passengers en route between Quarantine and the steamship pier. When the vessel was being tied to the pier it was observed that all

the passengers, save one elderly woman, had left the saloon of the steamer, and that she remained sitting there, as though waiting for some one; so, having asked the Deputy Collector of the Port whether the passenger listed as Mrs. Chadwick had made her declaration, and having received a negative reply, I approached the seated woman, saying: "Pardon me, madam, but have you made your declaration?" She replied that she had not yet done so, owing to the fact that she was unacquainted with the necessary preliminaries for so doing. Having then asked her name, and being informed by her that it was Chadwick, my suspicion that she was waiting for some influential friend, or friends, to help smuggle her possessions on shore, was thoroughly aroused. Avowed ignorance of the simple act of "declaration" from one who traveled abroad so frequently was, of course, an obvious misrepresentation, and obviously given for the purpose of diverting any possible suspicion from her. However, I accepted her statement in apparent good faith, and, offering my services—as any gentleman would have done to a woman so alone, so unsophisticated and inexperienced—conducted her to the Deputy Collector, who received her declaration, in response to the usual questions. According to her statement the dutiable articles in her possession consisted only of some "second-hand, unstrung pearls and a few pieces of jewelry" (just what would constitute

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a "second-hand" pearl I've never yet been able to determine; but the Deputy received the declaration without flinching) of no relative value. And though these pearls were unstrung they formed a complete necklace on which, and the small articles of jewelry above mentioned, the revenue officers collected about ten thousand dollars at the 60 per cent. rate of duty.

After this incident I heard no more concerning the Chadwick party for some time until I took another trip to Europe during that same summer. Arriving there, Special Agent Williams and myself received valuable information, through a reliable source, to the effect that Cassie Chadwick was known to be a purchaser of jewelry and unset stones in large sums, all this information tending undeniably to prove that she was a dealer in this class of goods, selling them to her special clique of wealthy customers in all the large cities of the United States, and especially in Cleveland and Pittsburg.

One day in the latter part of 1902, having again returned to the United States, in pursuance of my official duties, as I was glancing through an *Evening Telegram* my attention was arrested by a headliner containing the name Chadwick. The article stated that a Mrs. Chadwick of Cleveland, Ohio, had lost some jewelry in a sleeper on her way from Pittsburg to New York over the Pennsylvania Railroad; and that she had offered a re-

ward for the return of the jewelry, which had been found by one of the porters and given to Chief of Police Murphy of Jersey City. Hailing the conductor and jumping from the car that was bearing me homeward to the upper part of Manhattan I entered the Hotel Endicott and telephoned my family that they need not await dinner for me. I then hurriedly proceeded to call on Chief Murphy, with whom I was on friendly terms, telling him that I was on my way to Jersey City to see this jewelry that had been lost by Mrs. Chadwick, and which was now in his possession. He said Mrs. Chadwick was coming to his office at eight o'clock on that same evening and that as soon as she had paid the reward offered he should return the jewelry to her, so I arranged with him to be present at police headquarters at the time of her expected arrival, but went there earlier, at seven-thirty, in order to inspect the jewelry, which proved to be of no especial value. I then asked him to permit me to sit in an inner room adjoining his private office and await Mrs. Chadwick's coming there, so that without being seen by her I might determine whether she were the well-known Cassie Chadwick or some other woman bearing the same name. He willingly complied with my request and placed me in his bedroom in such a position that through the open door I could plainly see the occupants of his office, being in the dark myself, and at such an angle that, though seeing, I was yet unseen.

Mrs. Chadwick arrived promptly at the hour of eight, accompanied by an elderly lady and gentleman whom I did not know, and the Chief seated her in line with my point of vantage and in such a position that she nearly faced me, so that I easily recognized her as Cassie Chadwick. She identified the jewelry, paid the offered reward to the Chief for the finder of her property, and the trio then departed. I remained only long enough to ascertain from Chief Murphy that Mrs. Chadwick's address was at the Fifth Avenue Hotel in New York City; and then hastened after them, hoping I might overtake the carriage in which they arrived before it reached the Twenty-third Street ferry, but unfortunately there was neither car nor conveyance in sight when I left headquarters, so that considerable time was lost before I reached the ferry-house, and I found the Chadwick party had embarked on a boat ahead of me. I followed on the next one, and proceeded directly to the hotel. Being known by the hotel clerk, I asked for the assistance of his house detective as a witness in the transaction in which I was about to be engaged; but he was unfortunately absent, so I obtained the number of the suite of rooms occupied by Mrs. Chadwick, proceeded to the second floor without being announced, and knocked. In response a neat young woman, who proved to be Mrs. Chadwick's maid, came to the door. As it swung outward I placed my foot in the opening and advanced my

body sufficiently to insure admittance, asking that she present my card to her mistress. As the maid naturally questioned the nature of my business, I again instructed her simply to take my card to Mrs. Chadwick. It was my official one, and read as follows: "W. H. Theobald, United States Treasury Department, Custom House, N. Y.," which probably enlightened her as to the purpose of my visit. After a delay of about ten minutes Mrs. Chadwick, attired in an exquisite, soft, quilted Chinese kimono, came from the room adjoining that in which I was waiting, holding my card in her hand, and haughtily demanded, with a well-assumed air of the utmost surprise: "How dare you intrude upon my privacy without being announced!" One whose profession it is to evade the law must naturally be prepared to meet detection lurking at every corner and imminent at any moment. Mrs. Chadwick, pre-eminent in this respect, was cool, quick-witted and alert. She knew her own rights in a case of this sort, and her presence of mind never deserted her for a single moment during our interview. Defrauding the Government as a smuggler is treated mildly, as a matter of general policy, since restitution of the amount of avoidance of duties restores the Government to its own again, and so annuls the fault; and she whose colossal, and much more dangerous, machinations had for so many years eluded discovery was by no means dismayed at the turn

of affairs that brought me to her door in search of contraband goods.

I recognized her at once, displayed my shield, told her most courteously that I regretted very much being obliged to resort to this method of intrusion, but that my visit was, as she was now made aware, an official one, and that, as a Government representative, I had come to ask her to give up the diamond necklace which she had smuggled into this country on June 17, 1902. She professed to be still more indignant and amazed, and, with a convincing attitude of injured innocence, declared vehemently that she would have me arrested for daring to insult her in this manner! Upon my still persisting that she must produce the diamond necklace she continued to equivocate, maintaining that she had no proof that I was what I represented myself to be. To this I responded by inviting her to summon the hotel clerk to her room to vouch for the fact that I was a special agent of the Treasury Department. She then asked me if I had a search-warrant, proving an intimate knowledge of the requirements of my demands in this matter. I had none, but assured her that if she still refused to comply with my request I should remain at the hotel until morning, and then secure a search-warrant; and that if I then found the necklace in her possession I would place her under arrest, as I had positive information against her in regard to this diamond necklace.

Finally, after much more bandying of words to the same effect, she promised that she would be at the office of the Collector of Customs, N. N. Stranahan, at nine-thirty the following morning, and that she would bring the diamond necklace with her, which she stated was not on the premises at that time, being in a safety deposit vault downtown. I then took leave of her, but before returning to my home I placed a detective on guard to watch her movements for the night. His report in the morning showed that many telegrams had been sent and messages received until a late hour that night, but that Mrs. Chadwick had not left the hotel at any time.

She failed to appear at the Collector's office at nine-thirty the following morning, as promised; but came there at eleven o'clock. In the meantime, before she arrived, I had related the entire affair concerning my visits to police headquarters in Jersey City, and my call on her at the Fifth Avenue Hotel, to the Collector, and had assured him that if he would hold the necklace in his possession for a short time I should be able to give him evidence, corroborated by Special Agent Williams of Paris, that would not only be the means of condemning this diamond necklace, but of all the jewelry reconstructed and purchased abroad that year by Cassie Chadwick, which had been sold to some of the wealthy families of Pittsburg and other large cities. To my unmitigated surprise,

after Mrs. Chadwick had stated to Collector Stranahan that she had purchased all the stones that formed the necklace in different stores in America, in order to match them perfectly, and that she had then taken them abroad with her and had them mounted in Paris, the necklace was returned to her without further comment or question from him. It is a well-known fact that, according to the revised statutes, all merchandise taken from the United States and conveyed to foreign countries, and there reconstructed, is dutiable on return to the United States at the regular rate of 60 per cent. I refer to jewelry of course. In all my official career this was the first and only time that I ever knew of an exception being made to this law in any case. Therefore my great astonishment at this act on the part of the Collector.

When Mrs. Chadwick left the office in unchallenged possession of her diamond necklace of almost fabulous worth I told Collector Stranahan frankly that he had made a very serious mistake and prophesied that some day Cassie Chadwick would be caught red-handed, and the fact clearly proven that she was the most notorious smuggler in America—even more so than Max J. Lasar, who was acknowledged to be the greatest diamond smuggler this country has ever known.

The following copy of a consular invoice, taken from the files of the consulate of Brussels—as well as many others of the same order, which space

does not permit introducing here—gives irrefutable evidence of Cassie Chadwick's business as an importer and undervaluer. And each and every article enumerated on this invoice is undervalued no less than 200 per cent. This again refutes her testimony at the time of her trial and conviction, which was to the effect that she did not "import merchandise or jewelry." Cassie Chadwick smuggled into the United States, during her lifetime, over two million dollars worth of merchandise, which, with 60 per cent. tariff added, constitutes a home value of three million dollars.

**Brussels, le 7 December, 1901.—Copy.**

Brussels, Consular No. 2124.

Amount Francs, 4,570.

Consular Fee, \$2.50.

Consular Fee, Francs, 13.

#### INVOICE.

Invoice of 5 boxes of objects of art purchased by Madame Chadwick, of New York (U. S. A.), from Mr. Nosset, of Brussels, to be shipped per Vaderland.

Marks and Numbers.	Description.	Price.	Amounts Consular Corrections.
Box No. 1.—	3 Statuettes ivoire.....	33	100
1	Motif ivoire.....	—	50
1	Petit vase ivoire.....	—	50
1	Coffret ivoire.....	—	65
1	Service pour Bébé métal doré.	—	15
2	Plaques peinture sur por- celaine .....	25	50
			_____
	Forward .....		330

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Marks and Numbers.	Description.	Price.	Amounts Consular Corrections.
	Brought forward .....		330
5	Boites papier à lettres et enveloppes .....	2	10
1	Ivoire sculpté.....	—	40
1	Marbre sculpté.....	—	15
1	Plaque peinture sur porcelaine .....	—	20
5	Bouchons en corne du cerf...	2	10
5	Tasses et soustasses porcelaine Saxe décoré.....	5	25
1	Tasse et soustasse avec couvercle .....	—	5
2	Ivoires encadrés.....	40	80
1	Groupe porcelaine Amours à l'arbre.....	—	45
1	Plat capo di Monte porcelaine .....	—	35
2	Petites peintures sur toile...	7.50	15
1	Petit écran en ivoire.....	—	20
1	Statuette equestre ivoire.....	—	40
1	Petite coupe ivoire.....	—	40
1	Assiette avec peinture (porcelaine) .....	—	25
1	Plaque peinture porcelaine Vienne .....	—	40
5	Assiettes porcelaine Vienne..	40	200
6	Tasses et soustasses porcelaine Blanche.....	2	10
		—	1,005
Box No. 2.—1	Broc ivoire.....	—	1,000
1	Char Empire ivoire.....	—	375
1	Petit bronze.....	—	15
1	Petit broc ivoire et argent...	—	375
1	Peinture sur toile.....	—	100
		—	1,865
Box No. 3.—5	Tapis d'orient en soit 1 de 100, 4 de 150.....	—	700
2	Couverture laine:.....	10	20
	Forward .....		720

Marks and Numbers.	Description.	Price.	Amounts Consular Corrections.
	Brought forward .....	720	
6	Morceaux brocand ancien, le lot .....	—	42
1	Morceau brocand ancien.....	—	15
1	Lot 5 armoiries.....	—	8
2	Chassubles brodées ancien et 150 accessoires .....	130	280
1	Petit tapis Aubusson.....	—	20
1	Petit tapis orient.....	—	15
			1,100
Box No. 4.—1	Fauteuil Empire avec bronze. —	300	300
Box No. 5.—1	Fauteuil Empire avec bronze. —	300	300
Valeur francs.....		4,570	
Valeur totale.....			4,570

Signature of purchaser or seller or agent of either (signed)  
**A. Nossset.**

After the diamond necklace was returned to Cassie Chadwick by Collector Stranahan nothing further was ever done towards apprehending her for smuggling. At the time when she was arrested on the other charges and came up for trial I was not called upon to add my testimony to the mass of proof that was unearthed against her as a swindler. I might have presented to the courts my evidence in connection with my investigations of her smuggling career, but this particular form of her many offenses did not come to the front imperatively; and at that time I was out of the service, and chose to remain silent. Of course if I had been summoned to court for the purpose of testifying I would have done so fearlessly, con-

scientiously and fully. She died in prison in Columbus, Ohio, after being convicted. On the day of her death a newspaper representative from one of the large Manhattan dailies called on me at my residence, saying that he had received authorization from Collector Stranahan to call and see me for the purpose of requesting the story of Cassie Chadwick's smuggling record, to be given out for publication. I replied that if he would bring me a letter from the Collector, proffering this request, I would willingly comply. But this newspaper representative never returned, and Collector Stranahan never sent me any letter asking me to give the story to the papers.

The incidents of Cassie Chadwick's sensational career, which were made known to the public when the great exposé of her swindling transactions with Ohio bankers and Pittsburg magnates filled the newspaper columns for over a year, still awaken echoes of wonderment when recalled—at the marvelous ingenuity and shrewdness of this woman, who also possessed the necessary finesse and daring to carry out the schemes she evolved. From the very hour of discovery the magnitude of her illegal achievements brought her international notoriety. Such characters leave an impress on the imagination of those of their day, the psychological effect of which is an incalculable and unknown quantity.

Criminologists, psychologists, and scientists—each and all—according to their particular trend of theory, attempt to explain the causes and conditions, generic and specific, that result in these isolated cases of criminal genius which, happily, occur with the usual rarity of the advent of geniuses in every line—even literary and artistic; but the problem still remains a vexing and mooted one.

Probably if the mental processes of Cassie Chadwick could have been known it would have been found that she justified her conduct of life to herself—as do many others—on the theory that the world owed her a living equivalent to her brain power, and according to the light apportioned her to determine what constituted for her the standards of happiness to which she wished to attain; and that her conscience—if awakened at all—did so tardily, latent until aroused by the overwhelming miseries attendant upon her detected guilt.

One who regarded the world from the humorous side alone might grimly soliloquize that, after all, it is only one of Fate's little ironies that Cassie Chadwick should fall under the universal law: that “big fleas have little fleas to bite 'em,” and that, either here or hereafter, the flea is probably caught at last.

But, summing up, one word might be said to soften the heinousness of this woman's many offenses: though she defrauded the nation and

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swindled our magnates, at least she did not plunder the poor. Keep this charitable thought with you, reader, rather than the remembrance of her sins.

## SMUGGLING A WEDDING PRESENT

WOMEN have smuggled for their husbands and men have violated the customs regulations for their disreputable women, but it is unusual to find a young girl aiding in the smuggling of valuables that are intended as her own wedding present. Philip S. Murry was engaged to a sister of Joe Miller, the copper millionaire. The world at large generally displays a marked interest in those foreigners who are destined to marry American beauties, particularly when the intended bride has money and social standing.

Like the rest of the world, I viewed the coming of Mr. Murry with some interest, but my interest was purely of a business nature. When he came, on March 17, 1900, in the Cunard Line steamer Campania, I was among the most ardent of his admirers. There was an immense party of ladies at the pier to greet him, and a bevy of these were the sisters of Mr. Miller.

Like the majority of foreigner bridegrooms-to-be, Mr. Murry was quite suave with the customs officials who went down the bay to take the decla-

rations. Mr. Murry had a poor memory for details, but he was quite sure that he had nothing valuable to declare. What was the use of carrying coals to Newcastle! He had innumerable pieces of baggage, as became his ambitions, and had a temper into the bargain when it became necessary to display it. He became grievously insulted when I went to him and suggested that there might be a possibility of his having neglected to closely examine his conscience or even his vulgar baggage.

"Perhaps you are not acquainted with the law," I said to him. "If you are bringing over any presents to give to anybody in the United States, it is a clear violation of the law, since you have not declared them. Upon the examination of your baggage, if anything dutiable be found, you may find yourself in a very unpleasant predicament."

"How dare you!" he said, showing the whites of his eyes. "I am a gentleman, and you should not approach me on such a subject. I have brought nothing to be given away and have nothing of any value outside of my personal effects."

Shortly after this conversation I saw Mr. Murry's fiancée shove her hand in his raglan coat pocket and withdraw a package that was wrapped in white tissue paper. She saw that she was being watched and quickly replaced the parcel. Four times after this incident I spoke to Mr. Murry, reminding him of the rigor of the law, but each time

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he scowled at me and insisted he had nothing that concerned this blessed Government. But I was so certain that he had diamonds or other precious stones with him that I finally said:

"Mr. Murry, I want you to show me the trunk in which you have concealed those diamonds. I do not want any nonsense about it, either."

A look of despair overspread his face, and, following a pause of several seconds, he pointed at the smallest trunk in his collection. "They are in there," he said.

Under a lot of magazines in the bottom of this trunk we found a pearl necklace. In a new dressing-case which he was bringing over for his intended bride we found, wrapped up in a lot of English newspapers, a gorgeous bracelet. He insisted that these were all, but I reminded him that he had something in the pocket of his raglan that might be dutiable, and he immediately produced the package that his promised wife had tried to remove to her own safekeeping.

This package consisted of a beautiful pearl-and-diamond ring of considerable value. I handed Mr. Murry over to the inspector and had him arraigned before a United States Commissioner. Mr. Miller gave bail for his appearance in the sum of two thousand dollars. An appraisement of the jewels by the Collector put a value of \$17,935.70.

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The case was presented to the court and compromised by the department on the payment of the duty. The balance of the goods were rebonded and returned to London.

## MRS. RUBINS AND HER LINENS

STILL another instance of dishonesty on the part of Government employees is represented in the case of a Mrs. Rubins. For some time before my attention was called to the case huge quantities of imported linens were being offered for sale at a price that conveyed the impression that they were smuggled, or otherwise unlawfully secured. The goods consisted of the finest kinds of table-cloths, napkins, bed-spreads, toweling and the like.

It looked at first as if there was no limit to the circulation of this linen, and for this reason no great trouble was experienced in ascertaining who was distributing it. Mrs. Rubins, I found, lived in Rivington Street, between Orchard and Ludlow streets, a part of Manhattan that is thickly inhabited by Hebrews. She had many envious friends, who did not hesitate to inform me that the woman, accompanied by her husband, had but lately arrived from Germany in the steerage of the steamer *Auguste Victoria*.

Being steerage passengers, the Rubinses did not have to make any declaration to the custom officials, as is required by law in the case of other

ocean travelers. Although this formality is waived in behalf of third-class passengers, for the obvious reason that not one in twenty-five has anything dutiable upon arrival, there is, nevertheless, an examination of steerage luggage on the steamship pier before the owners of the same go to Ellis Island for Immigration Bureau purposes. I over-hauled the records for this particular trip of the *Auguste Victoria*, but was unable to produce any record of the entry of the goods.

When the attention of the United States District Attorney was called to the matter by me, he advised that the Surveyor of the Port be instructed to send to me for examination the four inspectors who were on duty at the pier the day the passengers of the *Auguste Victoria* disembarked.

Mrs. Rubins was an odd creature. She had odd ways, an odd eye, which was glass, and as odd a head of red hair as a comb ever touched. She possessed an odd parrot, too, and this noisy bird, I learned from some of the dock officials, she carried ashore when she landed. I felt sure that if the inspectors did not remember the celebrated red hair, they were sure to recall the artificial eye or the talkative parrot. But they proved to be the most ignorant quartette I ever encountered.

There was no mistaking the fact that a fraud had been committed, however, and I determined to make the affidavit myself to the District Attorney in order to secure my search warrant. If the

inspectors' memory was deficient, I had hopes that such would not be the case with Mrs. Rubins, who, I felt satisfied, would point out to me the inspector who passed her baggage. I therefore insisted that the four inspectors accompany me to her house. We were about to enter, when a woman came out and walked leisurely up the street. One of the inspectors said:

"I think that is the woman you are after. I had nothing to do with the passing of her baggage, but I recognize her."

I sent the man after her, but she refused to return. She was a giantess in appearance and looked capable of beating the famed Thalestris herself. I compelled her by sheer force to show her apartments. When we entered, a tall, gentle-looking man sat at a table in the dining-room. The woman belabored him with a convenient broom the moment she entered and shouted in German that his bad advice was responsible for our invasion. He did not have a ghost of a chance with her, for she wielded the important household article with the muscle of an Amazon.

Several of the inspectors, believing that their turn was to come next, literally embraced that side of the cause which seemed to stand very little in need of assistance. The husband, as the meek, tall man proved to be, finally succeeded in checking the torrent that seemed to have no end to its flowing.

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Tears followed the outburst of anger, and when this salty flood had ceased Mrs. Rubins invited me into an adjoining room. I felt relieved to observe that she dropped the broom as I stepped forward to comply with the request. This room I found to be a wonder in itself. It was about fifteen feet square, and around its sides were built several shelves, on which were piled a lot of packages, which I afterwards found contained the linens for which I was seeking.

The collection was so great that the packages on the top shelf reached clear to the ceiling. She readily admitted that one of the men in the room we had just left had passed her baggage and that she had paid him for the service rendered.

The shelves were plainly made of old lumber and bore many stencil marks. I asked the woman who had made the shelves, and she replied that they were the creation of a carpenter who lived two doors away, and that he had used in their construction the wood of the cases the goods in question came in.

Mrs. Rubins pointed out the guilty inspector the moment we returned to the outer room. He was indignant, but Mr. Rubins, having sullenly submitted to the vigorous conqueror, now endorsed what his wife said. I called an express wagon and seized the entire contents of the room, even taking the shelving. The latter proved to be splendid evidence.

We had to fight our way out of the house, the screams and protests of Mrs. Rubins bringing to her aid hundreds of Hebrews, who were seemingly willing to take long chances to take possession of the linens in the interest of Mrs. Rubins. The municipal police turned out reinforcements, however, and the violent application of stout locusts on the vulnerable spots of the attacking party soon brought the mob to terms.

While the expressmen were loading up the wagon I went in search of the carpenter who had made the shelves. In his shop were found three of the covers of the cases that the linen came in, and an examination of these tops showed in chalk marks the accused inspector's figures and the number of his shield. This was the last straw, so far as his claims to innocence were concerned. He tried to brazen it out, nevertheless.

Mrs. Rubins made a stubborn fight to prevent the Government getting a decree of confiscation. She even had the audacity to appeal to the Hebrew Charities to fight her wicked claims. The goods seized were appraised at thirty-five hundred dollars, but represented only a minor portion of the original importation. The United States Commissioner at Jersey City decided the case against the woman. About the same time the inspector whom she had bribed to rob the Government was dismissed from the service.

## **UNDERVALUATION OF MERCHANDISE**

**UNDERVALUING** of merchandise is, to my mind, the meanest kind of smuggling, because the undervaluer frequently makes an unwilling tool of an unfortunate examiner of merchandise employed at the United States Public Stores, where all invoices and merchandise from foreign countries to the United States are examined.

It is a custom for the exporter who makes a consular invoice at some United States consulate in some foreign country to enumerate on his invoice or invoices the character of goods and prices in the usual wholesale quantities.

To give you an idea of the large amount of fraud committed against the Government by importers who are unscrupulous, it is only necessary for you to refresh your memory in connection with the Rosenthal case, who defrauded the Government out of one hundred thousand dollars in the importation of silks from China and Japan. Rosenthal is now a fugitive and living in Vienna.

From my personal experience I do not hesitate to say that the French and German exporters are the ones who do more undervaluing than all the

other foreign countries put together. The Appraisers' Stores at the Port of New York are run on a purely business basis, and an invoice undervalued is as hard to pass in any division of that great institution as it is for two trains to pass each other going on the same track.

All manner of tricks and devices are used by the European exporters of merchandise, and their latest scheme to defraud the United States Government is as follows:

It is the law that the exporter, in shipping to the United States an article manufactured in France at five francs, cannot sell this particular article to any one in the country of production (France) for more than five francs, but he can sell to any country other than France for more money. If it can be shown that he receives more than five francs for the same article which he is shipping to the United States, his invoices can be advanced accordingly, and when the confidential agents who reside in Paris, London, Cologne, Berlin or St. Gall call on these firms who are undervaluing, the excuse is usually given that "the prices we are making for other countries on the same goods as we send to the United States are our export prices and the article is not the same." If asked to show the article, they produce a photographic album and show you a photograph of the supposed article in question. This has been my experience on several occasions, and I never could

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make out a clear case except in one instance, which was done in the following manner.

We will call the undervaluer Max Rosenberg, a native of Berlin, Germany, but living and doing business in \_\_\_\_\_, where he has accumulated over a million dollars, or five million francs, and all this money made by defrauding the United States Government.

I had an important investigation to make at the office of a manufacturer of ladies' costumes, who, it seems, was in trouble at the Public Stores at the Port of New York, and, in order to facilitate his matter, he wanted his books examined, so that he could send affidavits to his lawyers in New York, who had suggested in a letter to him the practicability of the examination of his books at this time. I was detailed to make the examination, and accordingly called upon the manufacturer, who produced his books, and, with the assistance of his bookkeeper, I examined numerous entries of invoices of goods manufactured by him and sold to various American firms; and, seeing many invoices made to Max Rosenberg, who has been under suspicion for many years, but to this time has never been caught, I therefore copied all the original numbers of the manufacturer and numbers given Max Rosenberg, as also the prices. [It may be well to state that each commissioner having goods made to order by various manufacturers always has his own numbers, which are set

aside on the manufacturers' books as a reference.] In all, I took down twenty-nine numbers, and, feeling satisfied that I had accomplished something which might lead to the ultimate bringing to justice of Max Rosenberg, I returned to the office, at 36 Avenue de l'Opéra. I then examined the files of the consulate, and brought out all of the invoices of Max Rosenberg, representing shipments of his firm for the preceding six months, and examined each item on his consulated invoices, and the result was that I found, out of the twenty-nine numbers, twenty-four undervalued from ten to thirty-three per cent. I then called upon Max Rosenberg, and asked him to show me some of the entries on his books. He looked at me for a moment, and told me that I and the United States Government could go to hell, and added something more which is not fit to be in print. If I ever have the pleasure of meeting Rosenberg in the United States, I will ask him if he remembers the insult which he handed out to me, and which I, as a Government official in a foreign country, could not resent, and when he goes back to Europe I will give him something that will remind him that there is one man living in the United States who has upheld the Stars and Stripes.

## WHAT THE GOVERNMENT DEMANDS

THE Government is not insatiable, or even overmercenary, as seems to be the popular verdict of those who prefer to patronize European markets. Its laws and regulations are the most comprehensive in the world, and there are none so easy to obey, and, as a natural sequence, none so easy to break. To the honest man the demands of the United States customs are as straight as a marble spike. This statement may be assailed by some who believe that free trade would be the shining glory of this country, a contention that serves the purpose about election time, and no other.

The great majority of the hundreds of thousands of travelers who cross and recross the western ocean each year obey the laws of every country they enter. When they return to this side with the goods they have purchased on the other side they pay the taxes imposed upon their purchases with the same spirit that they support their churches, their schools or their clubs. Domestic merchants and manufacturers, with their countless army of workers, are protected in this way, and it is these who are most hurt when the dishonest

est man brings in goods on which he should pay duty, but on which he does not.

The Government is not exclusive in its rewards for information that may lead to seizure, of no matter what kind. It is true that this country has an immense army of "intelligence" agents here and abroad, and it has been stated that even the clerks in the large establishments of Paris, London, Antwerp, Brussels, Berlin, Amsterdam and other cities of Europe have been known to sell valuable goods to wealthy Americans with one bow and inform the special agents of the purchases with the next scrape.

I am in a position to know that this statement is not true. Likewise, it has been repeatedly said that every crowded steamer during the season has its quota of special agents as passengers, and that the stewards of these ships are a valuable aid in the ascertaining of certain facts that are of paramount importance to the Government. This, too, is a base fabrication.

The fact that any individual, foreigner or native, has as much authority to make a seizure of smuggled goods as has a regularly employed official of the Government is and always will be a keen incentive to the capture or exposure of the wrongdoing traveler. There is one drawback only to the aspirations of the private individual when he desires to make a seizure. It is this: A Gov-

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ernment officer may make a seizure whenever he thinks he is justified in doing so.

If it be subsequently shown that he was in error, and the goods in question are released, the claimant to the same has no cause for legal action against the officer, because the law protects him. But a private individual, so-called, making the seizure on information or belief, must bear out his case absolutely, and if unsuccessful in proving that the goods should be confiscated or otherwise held, the claimant has good cause for damages against him.

What the Government demands is this: Everybody who goes abroad is entitled to bring back to these shores one hundred dollars' worth of personal effects, if purchased abroad not strictly for the use of the purchaser, so long as they are not for sale. That is the limitation under the customs laws. If one buys presents, whether of jewelry, clothes, souvenirs, or what not, for anybody else, relative, friend or stranger, and brings them here to distribute, they are not dutiable, irrespective of the fact that the purchaser bought nothing for himself. Still another manner of illustrating the law is in this way: If the traveler buys fifty dollars' worth of goods for himself and fifty dollars' worth of presents, he is not obliged to pay duty on the presents. There is not much complication about that law, though many think there is as

much complication about it as there is injustice, when in truth there is neither.

The operation of ascertaining what dutiable stuff returning tourists have is conducted in this manner: There are twenty-one special clerks under the jurisdiction of the deputy collector of the Port of New York. It is the duty of a portion of this staff to meet at Quarantine all incoming vessels from foreign parts. These men leave the Barge Office at the Battery, in the lower section of the metropolis, and board a revenue cutter, which is a big, powerful tug, which conducts them to the ship inward bound.

One officer is usually detailed to every thirty passengers, making on an average, in season, about thirty officers to each passenger steamer. During that season in which traffic is exceptionally large and steamers arrive on time, it frequently happens that there may be four or five steamers bound up the bay at the one time. In that event the clerks are divided among the steamers, the ratio being one officer for fifty or sixty passengers.

When the officers board the steamer at Quarantine they take their seats at the head of each table in the main saloon. There are usually eight or ten large tables. The passengers are then requested to sit at one side of each table for the purpose of making declarations, and after this duty has been performed each passenger changes his seat to the opposite side of the table, that he may,

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sign his declaration. Having done this, he is presented with a ticket on which is printed a number corresponding to the number on his declaration. He then departs and the next passenger takes his turn.

Many amusing incidents take place with the making out of these declarations, and often the gentler sex is the central figure in them. This was especially true of former times when the new regulations were not in effect. A famous dressmaker, who was always under suspicion, was on one occasion interrogated as follows:

"Have you any dutiable merchandise in your baggage?"

"No."

"Have you purchased any wearing apparel abroad?"

"No."

"Have you anything that was purchased or that was given to you while abroad?"

"No."

"Do you swear to the truthfulness of these statements?"

"Yes."

All this time the dressmaker, who swore to the above statements as being absolutely true, had \$15,000 worth of new dresses and new materials in her trunks that she expected to get in by illegal means. A number of society women coming back from Europe with entire trousseaus

made for themselves or for their daughters have made declarations similar to the one just cited.

A passenger who has a lot of personal effects that are old and in use is not obliged to pay duty on the same, but it has often happened that the passenger has stated that he has a lot of souvenir spoons, worth perhaps ten dollars, and, acting in an honest manner, declares the purchase in the regular way. When the inspector on the pier is handed the declaration that has been made out on the ship by the clerks he is absolutely compelled to go through all the luggage of the passenger in question until he finds the spoons to have them duly appraised.

This is the basis for the "rigid" examination complained of by passengers who are obliged to find the spoons that their value may be assessed. The duty must be collected on these spoons before the declaration is turned into the higher channels and the amount paid must be marked on the declaration. This naturally makes a delay, and delays are thought to be most annoying—and doubtless are—to tourists, who are anxious to join their families and friends, then close at hand.

Yet if the passenger understood the law as well as the officials, he would end by appreciating the work of inspection, which is never unduly rigid, unless necessity demands. The fault for ninety per cent. of the delay and irritation on the piers rests with the passengers themselves. They will

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not help the officials as they should. Rather, they do everything they can do to handicap their movements and duties. For the benefit of those who do not know what a passenger's declaration is, I have added to this story the copy of the Government's declaration:

### BAGGAGE DECLARATION AND ENTRY.

District of New York, Port of New York.

I, ——, a resident of U. S., residing at — Fifth Ave., destination N. Y. C., a passenger on the steamship Majestic, from Liverpool, do solemnly and truly declare that, to the best of my knowledge and belief, I have the following pieces of baggage, namely:

Trunks.	Bags or Valises.	Boxes.	Other packages.	Total.
27				35 62

That such baggage is my personal property (and that of my wife, maid and servant, who accompany me); that all of the articles in my baggage or on my person purchased abroad (and intended for others for sale), and their cost prices paid by me, or by others who have entrusted them to me, are fully set forth and described in the annexed entry; that, with the exception of said articles, the said baggage contains only such wearing apparel and personal effects (as were taken by me and my — out of the United States), and include only such articles as are in the use of, and necessary and appropriate for, the immediate purpose of the journey, and present comfort and convenience of myself (and my —), and are not articles intended for other persons or for sale.

Subscribed and declared before me this — day of —, 1900.

(Signed) ——,

Surveyor's Staff Officer.

(Signed) ——,

Passenger.

### INSPECTOR'S RETURN TO COLLECTOR.

I certify that I have examined the above 62 pieces of baggage and found nothing dutiable except as entered below.

(Signed) ——,

Inspector.

# THE GOVERNMENT DEMANDS 363

## ENTRY OF ARTICLES REFERRED TO ABOVE.

Description of Articles.	Foreign Cost.	Classification.	Foreign Value in U. S. Currency.	Rates of Duty.	Amount.
		\$100 allowed.			\$2.20
Dresses—5 lbs. silk and wool wg. app'l....	394	44.60	236.40		
Wraps—Fur .....	130	35	45.50		
Bonnets—4 doz. la. k. gloves.....	20	\$3 doz.	.12		
Gloves—Jewelry .....	193	60	115.80		
Underwear—Lace and emb'd art.....	89	60	53.40		
Jewelry—Photos .....	7	25	1.75		
Coats—Fans .....	20	50	10.00		
Trousers—Dec. china .....	2	60	1.20		
Waistcoats—Prints .....	22	25	5.50		
Mnf. metal .....	165	45	74.25		
Mnf. cotton .....	2	45	.90		
Mnf. plaster .....	22	35	7.70		
Wg. app'l taken from U. S.....	2,000				
Wearing app'l for Mrs. ——, 333,890 fcs. Free on oath.			566.60		
Sundry articles, £43 14s.					
Embroideries, bronze, etc., 408 fcs.					
Total, 1,000 fcs.					

District of New York, Port of New York.

(Signed) — — —,

Appraiser.

I do solemnly swear that the prices above set forth show the actual cost or foreign market value of the articles named, to the best of my knowledge and belief. A certified invoice cannot be produced, for the reason .....

Subscribed and sworn to before me this 27th day of ——, 1900.

(Signed) — — —,

Surveyor's Staff Officer.

Duties paid me as above.

(Signed) — — —,

Collector's Clerk.

(Signed) — — —.

## **ROBBING THE MAIL ON THE HIGH SEAS**

**T**HE peculiar methods and risks taken by men occupying honorable positions in the employ of steamship companies cannot be accounted for. I am about to relate a story regarding the robbing of the mail on the high seas by the chief officer of one of the White Star Steamship Company's boats. The man, who had the esteem of the company, with the rank of chief officer, might ultimately have been appointed as the captain of one of the steamers connected with this prominent steamship company. I cannot account for this man's misdeed, because the man's mind must certainly have been affected, to lead him to commit the theft for which he is now serving a term of prison in England.

**I**t was in 1899 when one of our officers followed a laundry wagon from the White Star pier, after the driver of this wagon had received from the ship the bags of soiled linen which the laundry was to clean, and whose place of business was in Hoboken. The officer in question followed the wagon to the Hoboken ferry, and then stopped the horse and wagon, requesting the driver to return

with his wagon to the White Star Line pier. The bags were taken from the wagon and examined, and in some of these bags, concealed underneath the soiled linen (belonging to the ship) were found hundreds of pieces of lace. The driver was allowed to go and the laces were seized.

A few hours after this event word reached me from Hoboken that a seafaring man had presented some coupons of a certain railroad stock at the pending house in Hoboken and wanted to sell them. The banker, thinking it nothing unusual for a seafaring man to offer for sale anything of this kind, simply asked the question, "Where do you come from?" The seafaring man turned around and rushed out of the place, leaving the coupons lying on the counter of this banker. The fact of this seafaring man running through the street aroused the suspicion of a policeman, and he took up the chase, along with others who had seen him run out of this banking institution. He was caught by the policeman just across the line in Jersey City and was taken before Chief of Police Murphay, where he was held pending the quest of the ownership of these coupons, which were still in the hands of the banker.

The following morning a diamond dealer, doing business in New York, called upon me at the Custom House, stating that his brother had shipped from Amsterdam a parcel of uncut diamonds in the mail, which should have reached him on the

day preceding his visit to the Custom House. As these diamonds were covered by insurance, yet he did not care to lose them, notwithstanding the fact that the insurance company would pay the loss, as the stones in question—only three of them—were large ones, and they were to be polished for a special order.

In the meantime the owner of the case of laces which had been stolen had made his entry in the Custom House, and was informed at the Public Stores that the case of laces enumerated on his invoice could not be found.

An investigation was then being made by the post-office inspectors and myself on the steamer, then lying at her pier at the foot of Christopher Street, Manhattan. We searched the chief officer's room, but could not find a trace of anything in connection with the theft of the laces, coupons or diamonds.

I left the White Star pier and crossed over to Hoboken, and then proceeded to Jersey City and called at the office of Chief Murphy at Police Headquarters. I then informed the chief of what had taken place in connection with the theft of these coupons (the owner of which had not up to this time appeared) and requested him to allow me the privilege of having a talk with his prisoner. (In the meantime the officers, from the captain down to the lowest of the steamer, could not account for the disappearance of the chief officer.)

He sent for him and brought him into his private office and told him who I was, and we then proceeded (the chief and myself) to put the prisoner through a short cross-examination. We were together about fifteen minutes, and the result of that fifteen minutes' talk with him did not amount to anything, and I did not succeed in getting him to confess to the theft of either the laces, coupons or diamonds.

I proceeded to light a cigar, when I noticed that the prisoner had his pipe filled with tobacco, which he had in his hand during this interview, and after lighting my cigar I held the match over towards him and told him to smoke up. He said he preferred a dry smoke. I looked at him for a moment, then reached over and took the pipe away from him. Chief Murphay looked at me in amazement for the moment, not knowing what I was about to do. The prisoner got up, and so did I. Chief Murphay reached over and pulled him back in his chair. I then crossed the room to the table and took a newspaper and opened it on Chief Murphay's desk. The pipe which I had taken from the prisoner had a very large bowl. I emptied the contents of this bowl on the newspaper, and, to the amazement of Chief Murphay—and I must confess I was amazed myself—there amidst the tobacco we found the three diamonds belonging to the firm whose mail package had not reached them.

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As the diamonds were not dutiable, a case of smuggling could not be made against him, as they were unpolished. Rough or uncut diamonds come under the heading of non-dutiable merchandise.

This case was presented to the District Attorney's office at New York, as the crime was committed at the Port of New York; but under the treaty between England and the United States, it developed that the crime had been committed outside of the three-mile limit of the United States, and under the British flag, and on an English steamer; so the unfortunate prisoner was transported in irons on the same steamer on which he had been chief officer, going back with his former fellow-officers as a prisoner to be tried for committing a crime against the British flag on the high seas.

I was present in London at the trial, when he was convicted and sentenced to ten years at hard labor.

## THE LEINKRAM DIAMONDS

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### CHAPTER I

MICHAEL LEINKRAM, alias Michael Hochberger, had the reputation of being an extremely wise man. His ambition was to grow rich on the rapid transit order, and he believed the quickest and safest way to attain this end was to smuggle. In this respect his wisdom was bad. His brother has for some years been a diamond merchant of the metropolis, and Michael was anxious to let his relative get wealthy fast, too.

Michael was overjoyed when he learned that Prince Henry of Germany was preparing to come to America to participate in the launching ceremonies of his Emperor-brother's yacht, the Meteor. Being a thoughtful man, he figured it out that the welcome of Prince Henry when he arrived in New York would be a spectacular one, and, as Michael was then in Europe and desirous of entering the Empire City as modestly as he could, he conceived the idea that it would be an excellent

plan to travel in the same ship with the Prince and land without any unnecessary honor.

His object in coming home in a thoroughly democratic way was a purely business one. He had made a number of "purchases" on the other side. He wanted to bring them here, and as they were dutiable as an importation, and as he had determined not to be annoyed by the necessity of paying duty, he thought it prudent to come home as unostentatiously as possible. To further his plan he decided to travel in the second cabin, a class that he imagined was not subjected to the same amount of scrutiny that usually fell to the lot of those who came in the first saloon of the ordinary ocean steamer.

Michael made all his plans to his entire satisfaction, and when he purchased a second-class ticket on the North German Lloyd steamer *Kronprinz Wilhelm*, in which Henry was to travel in an imperial suite, he flattered himself that for once in his life he had displayed wisdom that would result in the undoing of those who were paid to see that the Government was not cheated.

But Boileau says that the wisest man is generally he who thinks himself the least so, and what the dishonest shipmate of the honest Prince intended to do was known on this side almost as soon as he had laid his plans.

The *Kronprinz Wilhelm* arrived in New York on Sunday, February 23, and few ships ever re-

ceived a greater reception. Because of the presence of the Prince on board, arrangements were made to berth her at a special wharf, and a new pier at the foot of West Thirty-fourth Street, Manhattan, was selected. Joseph Daniels, an acting deputy collector, went down the bay on the revenue cutter with several others to take the declarations of the passengers.

Coming up the river, Daniels took the declarations of a number of second-cabin travelers, including Leinkram. The latter appeared on the passenger list as "Herr Leinkram Ottendorf," but he afterwards denied that he had any intention of posing under an assumed name. The entry on the passenger list was a mistake, according to his way of thinking.

Daniels asked Leinkram the usual questions, to which he replied that he was a native of Austria; that he was going to No. — West 161st Street; that he had one piece of baggage and that he had nothing dutiable. He was handed the declaration and the examiner saw him swear to the truth of the statements therein contained.

Leinkram landed on the pier the moment the ship berthed and sought an inspector to examine his single piece of baggage. The inspector assigned to him was Sam Ravine, who made an exhaustive search of the man's valise, but found nothing that was dutiable.

The acting deputy collector and I watched Ra-

vine over haul the luggage, and at its completion I walked over to Leinkram and asked him if he had anything dutiable. I spoke in English and he pretended not to understand me. Then I asked him the same question in German and he answered me that he had nothing dutiable. I requested him to go aboard the ship with me and he consented. Inspector Ravine had given me the declaration made by the man and I took this aboard the ship, too.

We went to the stateroom recently occupied by Leinkram, and I searched his overcoat, undercoat and waistcoat, but found nothing. Near his abdomen I felt something bulky and asked him what it was. He made answer that it was a medical band. I demanded to see it and he protested. I insisted, with the result that I found a belt, which, upon examination, was seen to be filled with diamonds. The belt was secured to his person by two strings long enough to go around his stomach double and was tied on the left side in a bow-knot.

Before taking the belt from his person I again asked him what it was for, and he said it was a flannel belt recommended by his physician. The belt had five compartments, each carefully sewed by hand, and I had to cut the threads to get at the interior. I found five packages of diamonds, all unset stones, the duty on which was ten per cent. There were fifteen hundred diamonds in all. Many were brilliants or large stones, but the majority

were of an eighth or a sixth of a carat and known in the trade as "melle." The value of the gems, it was subsequently ascertained, was thirty thousand dollars. The belt had been torn open in the presence of Leinkram and the deputy collector, and I said to the would-be smuggler:

"Do you own these diamonds?"

He shrugged his shoulders for reply. I had noticed his brother, Moses Leinkram, on the pier, and I said to Leinkram:

"What's the use of your playing innocent? Is this your property, or is it owned by your brother?"

He hesitated a second or two and then said that the goods belonged to his brother, the diamond merchant. I then placed the man under arrest, but before doing so made a package of the diamonds. To avoid the big crowd that had assembled to see the Prince, we took Leinkram through the private entrance that had been prepared for Prince Henry to board his yacht, the Hohenzollern. It was the most expeditious way to gain the street, and the fact was made a strong point in the defense of the man by his counsel, Edward Leonard.

At the head of each pier reserved for the disembarkation of passengers from foreign ships a customs official is stationed for the sole purpose of rubber-stamping the paper label that is placed on luggage passed by inspectors. When we went

out of the private exit it was not thought necessary to have the label stamped by the "rubber."

The defense set up the claim that as Leinkram had not landed in a technical sense, he could not have smuggled; but Judge Thayer, before whom the case was tried, decided that the dock was the shore; that when Inspector Ravine put his label on the valise and Leinkram was free to go, under ordinary conditions, the smuggling was complete, and that the dock was just as much part of the State of New York as the central part of the State would be, and that the intention of the man was clearly to defraud the revenue.

Leinkram was locked up that night in a police station and the following morning was arraigned before the United States Commissioner. The day of the arrest I tried without success to get him to acknowledge that he was familiar with the contents of the belt he wore prior to the moment when I cut its fastenings on the *Kronprinz Wilhelm* and exhibited the diamonds to his seemingly astonished gaze. He insisted that he was bringing the belt in trust for his brother and knew nothing whatever about what it contained.

Had the man steadfastly adhered to this statement he might have saved his precious hide from a criminal proceeding and his lawyers from a good deal of unnecessary work. But on the Monday on which he was arraigned before the United States Commissioner the smuggler admitted to

me that his previous statement was a falsehood and that he was aware from the very outset what the belt contained.

We were *en route* from the West Thirty-seventh Street police station, where he had spent the previous night, to the Commissioner's offices in the Federal Building when he admitted that he had been lying. He told me, in addition, that he had gone abroad in the steamer St. Paul, and gave me the date of his departure from this side. I asked him how long he had been acting as a carrier for his brother. He evaded the question at first, but finally said that he had been in the country about one year and three months only and that this was his second smuggling trip. He was quite anxious to learn how I had discovered that he was bringing goods to this country in violation of the law, but I did not satisfy his curiosity.

As a matter of fact, his own brother provided me with the electric current that was to shock the smuggler. He did it in this way: I had had several experiences, in the discharge of my duty, with Moses Leinkram prior to the arrest of his brother by me. Nearly a month before the latter arrived I was amazed one evening to have Leinkram call upon me at my residence. He said that he desired to give me some information that would be valuable to me and I invited him in. The information which he vouchsafed I took for what it was worth, which I confess was not much. When he was

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ready to depart he pulled a large wallet from his pocket and took from it several new one-hundred-dollar bills, saying:

“I wish to make you a little present.”

I could scarcely contain myself, but realized that if I were to display my disgust it might be the means of preventing me from catching him red-handed at some future time, so I asked him why he wished to make me a present. He said:

“You remember about a year and a half ago you held me up when Joseph Meyer arrived from Europe? If you recall, you detained and searched not only Mr. Meyer and myself, but Mr. Jacobson, my brother-in-law, and I tell you that you made us feel very uncomfortable. About six months ago my wife arrived from Europe, and she was also searched at your request. All of these things are very disagreeable to a man of my standing and refinement.”

“It was very thoughtful of you,” I made reply as diplomatically as I could. “I would not take a dollar from you or any other man.”

He returned the money to the wallet and asked me if he might call again. As I wanted to use him, I replied in the affirmative. He returned to my residence in about ten days and said that his nephew was coming to this country in the Kron-prinz Wilhelm, and he continued:

“He is an honest, good soul, and I would not

for the world have him detained on the pier as I have been. Please be fair with him for my sake."

I told him I was in no way interested in the movements of his nephew, as he called him; that I was about to go South for my health and did not wish to be annoyed by business. It may have been simple imagination on my part, but his face seemed to brighten up when I said I was going away for my health. To satisfy him that I had no designs upon the welfare of his relative, I said that I would be gone fully two months. Then he went away, and I heard him whistling merrily as he passed down the street. He was whistling a different tune when I saw him the next time. This was on the Kronprinz Wilhelm's pier the day his brother arrived, but before the ship berthed.

"Why," said he on the latter occasion, "I thought you had gone South."

"I changed my mind," was the reply that I made.

The next time that I saw him was at the head of the pier when I was marching his so-called nephew off a prisoner. He blocked my way and said:

"Why, you would not disgrace our family by locking this man up?"

I ordered him to one side, but he begged me to permit him to accompany his relative to the police station. I said to one of the uniformed police at the head of the pier:

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"If this man attempts to follow me to the station I want you to lock him up."

"You just bet I will," responded the bluecoat. "I do not like his looks," which was quite far-seeing in the limb of the law.

The legal talent defending Michael Leinkram tried to impress the jury that the man was as innocent of any intention of wrongdoing as the lamb within the fold, and, furthermore, insisted that he never said that he knew what was in the red flannel belt on his person before it was opened. No living man had ever known his client to tell a falsehood, the chief lawyer for the defense added, and he could not have told an untruth on this occasion, for he was really and truly, and a dozen other things, ignorant of the fact that the much-spoken-of belt contained diamonds.

The court did not believe that Mr. Leinkram had such a spotless soul as his counsel would have the jury believe, and the jury, too, formed its own opinions. One of these opinions was that Leinkram was a dyed-in-the-wool rascal, and he certainly was, if two and two make four. But there were some others, as developments showed.

Assistant United States District Attorney Denby, who appeared for the Government, made a clear case against the smuggler. He was indicted on four counts, the jury finding him guilty on all four. While he was languishing in Ludlow Street Jail a new and startling phase of the case

presented itself. The chief actor in this was a shrewd, calculating chap, as the expression goes, and he was the talk of the town for some days. Because of what, in ordinary parlance, might be called his infinite nerve and his adroit attempt to make the Government hand over the Leinkram diamonds to him, he is entitled to a distinct chapter.

## CHAPTER II

WILLIAM GOLDMAN is an Antwerp diamond merchant. He is likewise a bit of a fool and a still greater bit of knave. Stevenson once said that he had seen a great many wicked men and fools; that he believed both were paid in the end, but the fools first. The Antwerp merchant was both wicked and foolish, a dangerous combination at any time of life. Charcoal Eph must have had somebody very much like Goldman in mind when, in one of his ruminative moods, he remarked: "Dey am some men in de worl' dat don't know 'nuff fo' t' git out'n de rain, but got sense 'nuff fo' t' swipe er umbreller, Mistah Jackson." Having partly introduced Mr. Goldman, he may now come on the stage and play his little part.

The Antwerp merchant was originally billed as a star of considerable magnitude in the Leinkram drama. It was placed on the boards of the United States District Court of New York as "The Great Diamond Robbery. All Stars. No Lesser Lights. Thrilling Scenes and Situations and a Grand Climax." It looked better on paper than the actors in it imagined. As for newspaper notices, they

were columns long and yards wide. Goldman did not have a particularly definite idea of the enterprise of the average American journalist, but they laid him as bare as the day he was born before they cast him aside for something more newsy.

The attention of the Government was called to Goldman when, through his attorney, Edward Cahil, he appeared before the Collector of the Port of New York with the novel claim that the diamonds in the possession of that official and seized from the person of Leinkram were his personal property and had been stolen from him. His request was a remission of forfeiture of the diamonds, and he wanted them in a hurry, that he might go back to Antwerp and attend to his much-neglected business. He was quite serious and cool about his claim, and I recollect that United States District Attorney Wellington whistled and winked his eye significantly when told of Goldman's modest request.

Naturally, the Government refused to give the diamonds up, and demanded to know why Goldman had the audacity to suppose it would. The Belgian merchant, in the rôle of the much-abused philanthropist, then came down to the footlights, metaphorically speaking, and told the subjoined sad tale:

He was an honest merchant in business at No. 196 Long Street, Antwerp. His chief line was the

handling of unset stones, principally diamonds. There was a man named Joseph Meyer, a small dealer and broker in diamonds, whose place of business was on Terley Street, Antwerp. The diamonds found upon the person of Leinkram were the same as those he gave to this man Meyer to sell on commission. Meyer did not have any great responsibility in his native city, but Goldman trusted him in this instance and seemingly made a mistake.

How he came to give the diamonds to Meyer was: The man came to him and said that he had a purchaser in Berlin for from one hundred thousand to one hundred and fifty thousand francs' worth of diamonds. He had great faith in Meyer and forgot to ask the name of the intended buyer. It was not odd that he should do so. Good gracious! no. He often gave brokers goods on memorandum for sale. All he required was a receipt. Security? The idea was preposterous. It was on February 9 that he delivered the goods to Meyer. That was the last time he had seen the man.

Meyer had promised to return the goods or their value within eight days, the honest merchant told the officials, with tears in his eyes. He did not wait for the eight days to expire, but, feeling satisfied that Meyer would do the right thing, he determined to avail himself of the chance of redeeming an oft-made promise. This was no less than to come to America to see his brother, who was

in business here and from whom he had been separated some time.

He loved his brother to distraction, and he just could not wait any longer, so packed up and hurried across the wintry brine. He left his business in the care of his wife and sailed from the other side on February 13, coming on the Cunarder Campania. This ship arrived here a few days before the one that brought Leinkram over, but he did not know this, and he did not know Leinkram. He learned of the seizure of the diamonds from the New York newspapers after his arrival here.

Goldman was most effusive in explanation as to how he came to suspect that the diamonds seized from Leinkram might be the same as he entrusted to the care of the wicked Meyer. He just could not explain it. It must have been telepathy. That was all there was to it. When he did suspect, he immediately cabled to his wife, and received an answer that the whereabouts of Meyer were unknown and that in all probability the goods found on Leinkram were his property. He had never been deceived in a man as he had been in Meyer.

But, then, he did not know any too much about Meyer, now that he came to think about it, the honest merchant continued. It was a mere coincidence, his crossing the ocean about the same time that Leinkram was bound westward. On his honor as a man, he did not know this rascal Lein-

kram. Honest men did not want to know such as he. It seemed to him, now that the subject was mentioned, that he knew a man named Moses Leinkram. He was in business on Maiden Lane, or some place like that, but he was not certain, because he did not know much about New York.

It was all news to him that Leinkram was a brother of Leinkram of Maiden Lane, and that Leinkram's real name was —. He had been so often surprised since he came to this country that nothing fully amazed him. What did the "M" stand for in front of —'s name? He really did not know. It might represent Moses, but he could not say, because he did not know. He wanted to tell only of what he absolutely knew.

This and a good deal more did Goldman say, and it is given in concise form here that the reader may compare the statement with the testimony dragged from him on cross-examination at the official hearing for the remission of the forfeiture of the goods, held in the Federal Building the following April and May.

It was on February 26, or three days after the seizure of the diamonds, that Goldman filed his claim with the Collector and the United States Attorney for New York District. It was clear that he let no grass grow between the time of the seizure and the moment he filed his claim.

The Government, through the Collector and the prosecuting attorneys, not then being satisfied that

Goldman had not in reality been made a victim of a conspiracy on the part of Meyer, Leinkram and his brother, advised him, in a purely friendly spirit, to hasten back to Antwerp and secure affidavits to establish his claims.

This the man did, returning in March with five depositions and a string of certificates of character from the Mayor, Burgomaster and other dignitaries of Antwerp. Among the affidavits was one from Meyer, in which the arch-conspirator said that he had entrusted the diamonds in question to Leinkram; that the latter was the Berlin purchaser he had in mind when he obtained the goods from Goldman; and that the stuff seized from the body of Leinkram in New York was the property of Goldman and of no other person. Asked how he obtained this affidavit from Meyer, if he had not seen him, Goldman said that his father-in-law went to Paris, where Meyer was in exile, and secured it.

For weeks before the opening of the hearing the lawyers for and against the remission of forfeiture were laying up expensive ammunition to protect the interests of those they were hired to serve. Certain information had reached the ears of the Government officials that there was a "cul'd gent" in the woodpile, and while Goldman was diligently scouring through Europe, seeking certificates from commissioners and other notables to show that (to use his own language) "he lived in a moral way,"

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the emissaries of Uncle Sam were emulating the example of the "honest merchant" to show that his morals were attractive for their brevity rather than for their eminence.

Of course, Goldman did not know of this, or he would not have made such a poor liar of himself when he took the stand to beg the "good, kind Americans" to give him back his precious gems. The man had a poor opinion of American business methods. He must have laughed in his sleeve every time he thought how simple and childlike he imagined the Government was.

It was a rude awakening for him when he discovered that he had put his head in a halter that was likely to choke him to death any time the machinery of justice said, "Shoo, fly."

The petition of Goldman for the remission of forfeiture of the diamonds in question was heard before United States Commissioner Thomas, and began April 16, or nearly two months following the seizure of the property from Leinkram. It continued for almost two months, and every day of the hearing was more interesting than the one preceding it. The petitioner was represented by Edward Cahil, while General Wellington and his assistants in the District Attorney's office, Messrs. Denby and Condin, defended the interests of the Government.

Goldman was unable to talk English with any degree of accuracy and his testimony was taken

through Mr. Ferdinand, an interpreter. This gave him an opportunity to dodge at critical moments. But he managed to make a tip-top ass of himself before he realized that he had done so.

He explained the Meyer transaction to his entire satisfaction; said that he knew the man only fairly well, but later on admitted that Meyer had been two years in his employ; that he had traveled for him until he went into business for himself. He testified that he had often given Meyer goods when the latter went to Paris and Berlin to sell them, and that in all instances except in their latest transaction he (the traveling salesman) had returned the money to him.

Goldman had a complete description of the diamonds he had last given to Meyer and which the latter had failed to return. He had seen the goods seized from Leinkram at the Public Stores, and, although he did not weigh them, because a scales was not handy, he knew from the papers in his possession and the marks on the packages and papers as shown to him that the goods were the identical ones he had given to Meyer.

He identified a paper shown him by his counsel as one which Meyer gave him at the time that he let him have the diamonds. The foreign value of the goods that he gave the man was from one hundred and twenty-three thousand to one hundred and twenty-five thousand francs, and he did not know what Meyer had done with the property.

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There were twenty-five packages in all given to Meyer by him, and he found upon counting the stones at the Public Stores that they compared with the number which he had written in his memorandum book as given to Meyer.

Some of the packages had been mixed, he swore, but the stones were all there. They had mixed 18½ carat, or fifty-five stones known as "melle" or small stones. Seventeen lots were as he originally gave them, but the other eight were mixed up, somebody having mixed two lots into one. Goldman recognized the writing on the majority of the packages, as he examined them at the Public Stores, as his own, placed there three months or so before he gave them to Meyer. The latter had marked some of the papers himself, probably because they became soiled. He knew it was Meyer's hand-writing, he said, because he knew the man's writing very well. On another of the papers he had seen the writing of a broker. This was a package containing 19 3-16 brilliants. The broker had taken this package to Frankfort-on-the-Main to sell to a firm in Berlin, but had failed to dispose of it and returned it.

There was no question about the stones being the same as he gave Meyer. The same black stones were among them. There were also naatz stones, also yellow, white and steel gray, and there were also some very bad ones among them. They were all cut in Antwerp by the people who had cut dia-

monds for him for some years. They were all a good cut, and not like the Amsterdam cutting, which he inferred was bad.

The "honest merchant" might have continued in this line until the crack of doom had not the cross-examination taken him aback somewhat. This modern form of inquisition, which has resulted in the downfall of so many untruthful witnesses, proved no exception in the case of Goldman.

From admitting that he had only a vague sort of idea about Meyer and his habits, he confessed, under the manipulation of the legal jack-screw, that Meyer was his wife's brother. And since the counsel for the Government were so insistent, he recollect ed that Meyer had a partner in business in Antwerp. He would have to have a moment's thought to recall the name of this partner.

Yes, yes, it was Henry Grunzweig, who lived in Zuremberg, a suburb of Antwerp. The firm had a place of business in Meyer's house in Antwerp. Now that the counsel had asked him if Grunzweig was any relative of his, he remembered that he was. Like Meyer, Grunzweig was a brother-in-law. It was strange that he forgot to mention the fact before.

The name of his brother in the metropolis was Gustave Goldman. He had come over to pay him a little social visit. What's that? Oh, yes, another thing he forgot. His brother was in business

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on Maiden Lane. As a matter of fact, his brother was his agent in the diamond business here. But, then, business had not brought him over. His brother had asked him several times to come over, and he took his advice and made the trip. His brother had been in business as his agent since July of the previous year.

It might be considered strange by some that Moses Leinkram had his place of business so close to the one over which his brother presided, but it was a mere coincidence. Goldman said this in his most captivating way on the cross-examination. He continued that the financial resources of Meyer were very small; that he did not own any property in Antwerp, but that he had credit among the diamond brokers there.

Such a thing as rating was unheard of in Antwerp, Goldman added. Some would trust Meyer for five hundred francs, others for one thousand francs, and others would not trust him at all. The witness had not taken any steps in Antwerp to recover the value of the diamonds in question from Meyer, neither had he made any effort to cause the arrest or extradition of the man for the alleged theft.

His father-in-law, who had managed to get Meyer to make an affidavit admitting certain things, refused to tell him where Meyer was stopping in Paris when he made the sworn statement. It was true that on his direct examination he had

testified that he came here to pay a visit to his brother, but the truth was he came here because his brother had advised him that a firm with which he was doing business was a bit "shaky," and the bad news brought him here. In evidence to prove this wonderful display of honesty, so far as concerned Michael Leinkram, he could truthfully swear on a mountain of Bibles that he never saw the man to his knowledge, knew him not, and had never heard of him until he read in the daily press that some diamonds which he had tried to import had been seized. Some new facts were educed by the cross-examination of Brother Goldman, however.

Gustave Goldman, sworn on behalf of the claimant, testified as follows:

Examined by Mr. Ware.

Q. Mr. Goldman, where is your place of business?

A. In the city of New York.

Q. How long have you been in business here in New York?

A. Since the first of July, last year.

Q. Who is your correspondent abroad; from whom do you receive your merchandise from abroad?

A. My brother, William Goldman.

Q. Are you carrying on a business for yourself or for him?

A. For him.

Q. As his agent and representative here?

A. Yes, sir.

Q. And have been since you carried on that business?

A. Yes, sir.

Q. During that time have you made importations of merchandise?

A. Yes.

Q. Of what kind?

A. Diamonds.

Q. And have they been regularly entered at the Custom House and paid duties?

A. Yes, sir.

Q. Who is your Custom House broker?

A. Isaac & Co.

Q. Since you have been in business have you sold any diamonds that came into this country that have not passed through the Custom House and that have not paid duty?

A. No.

Q. You keep books in the course of your business there?

A. Yes, sir.

Q. Are those the books described by Mr. Mindil which you produced to-day?

A. Yes, sir.

Q. You produced all the books kept by you?

A. Yes, sir.

Q. And you have no secret or other set of books?

A. No, sir.

Q. Are the entries in them made in the regular course of business in the regular order?

A. Yes, sir.

Q. There are no false entries made in the books or inaccurate ones?

A. No, sir.

Q. Do you know Mr. Meyer?

A. Yes.

Q. Do you know a man named Michael Leinkram?

A. No.

Q. When did you first hear of him?

A. When we read it here in the paper.

Q. A paper in which his name was mentioned?

A. Yes, sir.

Q. How long ago was that?

A. Maybe three months ago.

Q. Was there ever any arrangement between your brother and yourself or Meyer and yourself whereby Leinkram or anybody else should bring a lot of diamonds that had been smuggled to your place?

A. No.

Q. Was there ever any arrangement or understanding whereby you should receive from any one smuggled diamonds?

A. No.

William H. Theobald, being duly sworn, on behalf of the Government testified as follows:

Examined by Mr. Condin.

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Q. Mr. Theobald, what is your occupation?

A. Special employee of the Treasury Department.

Q. What was your employment on the twenty-third day of February, 1902?

A. Special employee of the Treasury Department.

Q. Did you meet any steamer that day coming from abroad?

A. Yes, sir.

Q. What steamer was it?

A. Kronprinz Wilhelm, which arrived from Bremen.

Q. Where did it dock?

A. At the foot of Thirty-fourth Street, North River.

Q. Were you there in your official capacity upon the pier?

A. Yes, sir.

Q. State what, if anything, you did upon that day, or did you upon that day make a seizure?

A. Yes, sir.

Q. From whom?

A. From Michael Leinkram, alias—

Mr. Cahil: I object. Michael Leinkram is the name upon the record.

The Commissioner: Let him answer.

A. (continued)—alias Michael Hochberger.

Mr. Cahil: I object and move to strike out the last part of the answer.

Motion denied. Exception taken.

Q. State briefly the circumstances; or, first, what did you seize from Michael Leinkram on that occasion?

A. A red flannel belt containing a lot of packages in which there were five hundred and odd carats of diamonds.

Q. Are they the diamonds that were examined in the Custom House?

A. The diamonds I seized were sent to the Public Stores and appraised.

Mr. Cahil: I will admit that.

Q. State briefly the circumstances of the seizure, just what you did.

A. After the inspector of customs had examined and passed the baggage of Michael Leinkram, I, accompanied by the deputy collector in charge at the pier, asked the inspector if he was through with the examination. He said he was. I took the declaration—

Q. Do you recall the name of the inspector?

A. Inspector Ravine. I took the declaration of Leinkram away from the inspector.

Q. You mean the baggage declaration made on shipboard?

A. Yes, sir. I told him I would have to use it, and asked Leinkram to accompany me on board the ship for the purpose of searching his person. Accompanied by the deputy collector, I took Leinkram on board the ship and questioned him as to

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whether he had any dutiable goods upon his person, and he denied having anything. I questioned him in both the German and English languages, which I understand thoroughly. He denied that he had anything of any value upon his person or in his baggage.

Q. You mean when you say "of any value"—you mean of any dutiable value?

A. Yes, sir. I then asked him whether he had any diamonds upon his person, and he said that he had not. I requested him to remove his overcoat, undercoat and vest, which I searched. I found nothing. Then I asked him to open his trousers and pull up his shirt and undershirt, and found the red flannel belt around his waist, close to his skin and under his undershirt.

Q. When you found that belt did you ask him any questions?

A. When I found this belt around his waist I asked him what it was, and he told me that it was a rupture band; that he wore it because he was ruptured. I looked around on the left side of his body and found that the belt was tied with a white tape attached on either end of the belt and went around his body twice. I pulled the string, loosened it, and pulled the belt off his body. I felt of it and found that there was some hard substance in the center of the belt, which lay upon his abdomen, and asked him if there was anything in this of any value, or what was in it. He said that

it was simply a belt that he wore because he was ruptured. I then asked him again, "Aren't there some diamonds in this belt?" All this time my questions to him were in the German language. He said he preferred to talk German; that he could understand the German language better than he could English. He said there was nothing in it at all. I took the belt and cut it open and pulled forth one of the packages, which was sewed on to some cotton batting between the two linings of the flannel of the belt, and opened one of the parcels, and showed to the deputy collector, who was present all the time, the diamonds found in this belt.

Q. Just what did you find in quantity?

A. Well, at that particular time I only cut one of the parcels, wherein there were four parcels of diamonds; there might have been sixty or seventy carats of diamonds.

Q. Did you subsequently make a more careful examination of the contents of the belt?

A. Yes, sir.

Q. What did you find?

A. Found that it contained over five hundred carats. The exact weight of the diamonds I am unable to state at this time.

Q. Do you remember the number of packages you found?

A. Twenty-two.

Q. Twenty-two papers, do you mean?

A. Twenty-two paper parcels.

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Q. Contained in how many packages?

A. In five packages.

Q. Do you know whether those are the diamonds which are the subject of seizure in the suit entitled United States vs. five packages containing twenty-two papers of cut diamonds?

A. Yes, sir.

Q. What did you then do?

A. After taking this belt away from him he put on his clothes; we went to the dock again—left the ship and went to the dock, where his valise was standing, took it up, and we walked out to the private entrance to the pier. This was done in order that I might not create any excitement upon the dock, because it was on the day of the arrival of Prince Henry. We got to the street. Before getting to the street I asked the deputy collector to try and get a cab. He was unable to get a cab within the lines, so we took the man through, and when we got outside of the pier, on the street, his brother met him and asked to be permitted to accompany him.

Mr. Cahil: I object and ask that that be stricken out.

Q. (by the Commissioner). Was this in the presence of the party?

A. Yes, sir.

The Commissioner: Objection overruled.

Q. (by Mr. Condin). Leinkram was in your custody all this time?

A. Yes, sir. When I put him in the cab his brother asked to be permitted to accompany him.

Q. Had you before this time seen Moses Hochberger?

A. Up to that time?

Q. I mean on any previous occasions?

A. Yes, sir.

Q. Do you know whether he is related to or is a friend of Leinkram?

A. Yes.

Q. Can you state which?

A. Yes, sir.

Q. Was he related to him?

A. He is a half-brother of Michael Leinkram.

Q. Do you know that of your own knowledge?

A. Yes, sir.

Q. Continue.

A. We took him, the deputy collector and myself, in the cab to the police station—I think it was West Thirty-seventh Street—where, through the kindness of the officers, they locked him up and detained him for me until Monday morning. On Monday morning I called for him—

Q. You called for him on Monday morning at the police station?

A. Yes, sir.

Q. (by Mr. Cahil). What time was the seizure—Sunday morning?

A. Sunday afternoon.

Q. About what time?

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A. Between one and two o'clock.

Q. (by Mr. Condin). Will you go on?

A. I called for him to arraign him before the Commissioner and questioned him as to who was the owner of these goods.

Mr. Cahil: Now, one moment. I presume what is to follow now will be declarations made by the party who was arrested on the day after the seizure. The question, of course, I haven't any doubt but what all declarations made by Leinkram at the time of the seizure, or closely connected therewith at the dock immediately after, being part of the *res gestæ*, must come in, but I have serious doubts as to how far that rule would apply in extent of time afterwards. All the cases I have examined where declarations of a party are admitted as against the claimant are admitted because so closely connected with the time of the seizure and being a part of the *res gestæ*, but I know of no case which permits it after such a length of time, and I think my objection should be made now and have that passed upon.

The Commissioner: I allow a great deal of latitude in this proceeding, and when the question comes up I will pass upon it.

Mr. Cahil: I want to get on the record as objecting upon the ground that the declarations by the smuggler, in point of time not being connected with the seizure so closely as to make it a part of the *res gestæ*, are not admissible.

The Commissioner: My only ruling now is that I will allow a great deal of liberty in this particular proceeding, and when the question comes up I will pass upon it.

Q. What did he say?

A. Told me that they were the property of his half-brother, Moses Leinkram, whom we met at the pier the day before.

Q. Is that the person who met him outside the pier when you were putting him into the cab to take him to the police station?

A. Yes, sir.

Q. Did he say anything else?

A. I asked him, when he went over to bring these diamonds, on what steamer he sailed. He told me that he left on the St. Paul, and gave me the date, which is in one of my reports, and went over there for the purpose of bringing these goods over. I asked him how long he had been doing this. While he seemed to avoid the question—

Q. What did you mean by that?

A. How long he had been carrying on this business for his half-brother as a carrier, and he stated that he had only been in the country about a year and three months and that this was his second trip back and forth.

Mr. Cahil: This is all under the same objection, of course.

The Witness (continuing): Then he said he preferred not to say anything more until he could be

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advised by his friends. I then arraigned him before the Commissioner, who held him.

Q. Do you know Joseph Meyer, of Antwerp, Belgium?

A. Yes, sir; very well, indeed.

Q. Do you know whether he, at the time of the seizure in this case, was engaged in business with anybody in Antwerp?

A. Yes, sir.

Q. Do you remember the name of that person?

A. Yes, sir.

Q. What was it?

A. Goldman, of the firm of Goldman & Meyer.

Q. What was their business?

A. Dealers in diamonds and exporters to America.

Q. Do you know of your knowledge whether the firm of Goldman & Meyer, of Antwerp, Belgium, have any American representative?

A. Yes, sir.

Q. In this city?

A. Yes, sir.

Q. Do you know who that representative is?

A. Yes, sir.

Q. Who is he?

A. Moses Leinkram.

Q. Do you know whether Moses Hochberger is related to either member of the firm of Goldman & Meyer?

A. Yes, sir.

Q. To which member of that firm is he related, if at all?

A. To Meyer.

Q. What relation is he to Meyer?

A. A brother-in-law.

Cross-examination of Mr. Cahil.

Q. This conversation you had with Leinkram on Monday following the seizure was held where—at the jail?

A. It was held on my way down from the police station to this building.

Q. Anybody with you?

A. No, sir.

Q. In German?

A. Yes, and partly in English.

Q. (by Mr. Denby). You speak German?

A. Yes, sir.

Mr. Condin: Mr. Commissioner, I would like to ask Mr. Cahil to stipulate, if he will, and if not, I will have to furnish proof subsequently, of the indictment, trial and conviction of Michael Leinkram of smuggling the diamonds in suit which were identified in this proceeding by the claimant, Goldman.

Mr. Cahil: It is so stipulated.

Mr. Condin: There is something that had escaped me in the examination and I will ask it on re-direct.

Re-direct examination by Mr. Condin.

Q. Mr. Theobald, referring again to Moses Lein-

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kram, whom you have testified having met at the Kronprinz Wilhelm on the arrival of Leinkram, and who you have also testified was the American representative of Goldman & Meyer, and brother-in-law of Meyer, did you, after the arrest of Leinkram, or after the seizure from Leinkram by you of these diamonds, ever see Moses Leinkram?

A. No, sir.

Q. (by Mr. Denby). Did you ever have a talk with his half-brother at any time before?

A. Yes, sir.

Q. About these diamonds?

A. No.

Q. Before the arrest?

A. Not about the diamonds.

Q. (by Mr. Condin). Where was that conversation?

A. At my residence.

Q. State briefly what it was.

Objected to. Objection sustained.

Q. (by Mr. Denby). Did this conversation with his half-brother have anything to do with the arrival here of Leinkram?

A. Yes, sir.

Objected to by Mr. Cahil. Objection overruled. Exception.

Q. (by Mr. Condin). What was that conversation?

A. On the 27th of January, 1902, Moses Leinkram called at my house.

Q. Where did you live then?

A. 221 West 128th Street.

Q. This was before the Kronprinz arrived and before Leinkram was arrested?

A. Yes, sir. Can I tell this story as it occurred?

Q. State the facts of the conversation.

A. He came to my residence to give me some information, which I took for what it was worth, and when he had finished he opened a large wallet which he took from his pocket—

Q. Was there any one present?

A. No, sir. —and pulled out two crisp one-hundred-dollar bills and asked me if I would not take a little present from him. He said: "You remember about a year and a half ago you held me up when Mr. Meyer arrived from Europe, and detained me and searched me and Mr. Meyer and my brother-in-law, Mr. Jacobson, and you made us feel very uncomfortable; and about six months ago, when my wife arrived from Europe, she was also searched at your request, and all these things are very disagreeable." I refused to take anything from him, but I could read between the lines—

Q. Never mind that.

A. I refused to take the money.

Q. What did you say to him?

A. I told him I did not see why I should take

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anything from him; he was not under any obligations to me and I did not propose to place myself under any obligations to him; that I was a Government officer and was willing and always did perform my duty.

Q. What did he say?

A. He put the money back in his pocket and asked me if he could come and see me again.

Q. What did you say?

A. I told him that he could.

Q. Did he come?

A. He came about ten days before the arrival of the Kronprinz.

Q. Where did you see him then?

A. At my residence.

Q. Anybody present?

A. Nobody but he and myself. He told me then that his nephew was coming—

Mr. Cahil: It is all under objection, both conversations.

Q. Did you ask him his name?

A. I asked him his nephew's name, and he told me his name was Leinkram and that he was coming on the Kronprinz. I told him I did not see why he should tell me. I told him I was not interested in anything; that I was going away to the South, and that I would be gone about two months. However, when he left, from then on I covered every steamer that arrived in this port from Antwerp, Rotterdam and Hamburg and the North

German Lloyd steamers to be sure that if a man by the name of Leinkram should come on any other steamer than the Kronprinz I would be able to find him. On the arrival of the Kronprinz, before the steamer was tied fast, I succeeded in getting a passenger list, and found that Michael Leinkram, alias Hochberger, was a passenger in the second cabin.

Q. Did you ever see Moses Leinkram after that?

A. No, sir; not until the day of the seizure.

Q. Did Leinkram, at the second interview at your house, give any reason for telling you that his nephew, Michael Leinkram, was to arrive on the Kronprinz Wilhelm?

A. It was all done so quickly that he did not have the time to give a reason.

Q. Did he or not?

A. He gave no reason, except that I asked him why he came, and he said that his nephew was coming from Europe.

Q. Did he answer that question when you asked him why he came?

A. No, he did not answer that question.

Re-cross-examination by Mr. Cahil.

Q. No one was present at the time when he offered you these two one-hundred-dollar bills?

A. No, sir.

Q. What did you say to him when he offered them to you?

A. I refused to take his money.

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Q. Why didn't you arrest him for attempting to bribe an officer of the United States?

A. Because his word would have been just as good as mine in a court of justice.

Q. (by Mr. Condin). Did you have power to arrest under such circumstances?

A. No, I don't think I did.

Q. You have power to make seizures and arrests in those cases?

A. Yes; I have not the power to make the arrest.

It is useless to bring out all of the long testimony presented by the Leinkram crowd. The case was eventually called before the Hon. — — —, judge of the United States Circuit Court, Southern District of New York, as follows:

UNITED STATES CIRCUIT COURT,  
Southern District of New York.

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The United States

*vs.*

Michael Leinkram,  
Alias Michael Hochberger.

Before judge and  
a jury.

CHARGE OF THE COURT.

Gentlemen of the Jury: There are four counts in this indictment, and necessarily in setting it forth there is a good deal of verbiage which is of

very little use to you and me in determining the case. The first count charges, in short, that the defendant smuggled these diamonds into the United States. The second count charges that after bringing them into the United States, and after they reached such a stage, such a point, where they could be said to have been imported or brought in, he concealed them, and that such concealment was contrary to the statute, which provides that "if any person shall fraudulently or knowingly import, or assist in so doing, any merchandise contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment or sale of such merchandise after such importation, knowing the same to have been imported contrary to law, the offender shall be fined," etc. The charge is that, knowing that these diamonds had been brought in contrary to law, he was concealing them. The third count charges that he brought into the United States contrary to law these diamonds, and that he was guilty of certain omission, whereby the United States was deprived of its duty, and that the omission consisted of his failure to give any statement of his diamonds in this declaration which has been laid before you. Now, that count, you will see, specially charges and lays to him fault—in importing of diamonds or bringing them in and attempting to deprive and depriving the United States of the duty by failing to give the informa-

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tion which he was required to give by law. The fourth count charges the same thing, in a somewhat different manner, charging it directly under one law instead of the other. Now, having gotten through with these, the real one vital question here is whether he intended to smuggle these diamonds into the United States and did smuggle them into the United States.

Now, we have the evidence, and you have to infer an intention here from his acts. You have the facts, if you believe the evidence of the officer taking the declaration, that he was asked, with reference to these things, as to whether he was bringing in any property. You have the declaration before you; picture to yourself the scene. You have the document and you have their statements, from which you may determine what this defendant meant—whether he intended to do it, after answering such interrogatories as may have been put to him by the officer at that time.

Now, upon leaving the ship he went on the dock, and after he was on the dock he was taken in charge by the inspector and his baggage was examined. The only piece of baggage which he had was his valise; and he was asked, so the inspector says, whether he had anything that was dutiable, and if he did answer that he did not have anything that was dutiable, as the inspector says he did, and he was not telling the truth, and you think he was not telling the truth, and if he did not, how does

that bear upon the question whether he was at that time smuggling into the United States, with the intention to do so, this property?

Having been taken back to the ship again, you will remember what happened in the presence of Mr. Theobald, as he states it, and which is not denied here—what does that all indicate as to the honesty of this defendant? Does it mean that he was bringing in here something that was dutiable, that he was acting honestly with reference to it, or that he was not, and was smuggling these diamonds in?

And the last question is the more technical question. If you find that he was attempting to smuggle them in, the question is whether he reached such a point in the matter that the diamonds could have been said to have been imported or brought into the United States. Now, here is, you will see, where the real defense in this case seems to be.

Now, they were not on the manifest of the ship; there was no invoice, or consular notice, of these diamonds; they were not declared; there was no statement made anywhere. All the provisions of the law which governs the importation of property either were not availed of or it is claimed that they were avoided. It is urged on the part of the defendant that he had not yet passed off the dock, and that perhaps he might have yet entered these or declared these diamonds, or told the Government that he had the diamonds. Now, if every-

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thing had been done that the law required to be done, and the duty of asking whether he had property and whether he intended to make it known and pay duty upon it, the only thing left was, when he went out, the duty of somebody to look at that label, and if it was there in proper form to check and let him pass out. That man does not seem to have any power of examination; and I am inclined to charge you, as a matter of law, if you believe that all the examinations for which the law provided had been made, and he had knowingly failed to declare that he had these diamonds, with the intention of unlawfully bringing them into the United States, that he should be regarded as guilty of this offense; that the point had been reached, all these usual means or opportunities which the law provides had been exhausted, it seems to me that you should so find; if you should find that up to that time he had smuggled them into the United States, then it seems to me that you should find him guilty. And that it was not necessary to wait until he should pass the officer who stood out by the gate to determine whether he would change his mind and pay the duty before passing out.

You understand, gentlemen, of course, that the defendant is presumed to be innocent until he is proven guilty, and that the Government must convince you beyond a reasonable doubt that he is guilty on these several counts. You will recollect also the rule that a reasonable doubt is the doubt

that appeals to a man of common sense, and such a doubt that would influence such a man in the determination of an important matter.

Mr. Cahil: We except to the latter part of Your Honor's charge to the jury.

The Court: To be a little more distinct about this matter, I charge the jury that if at the time the inspector, Herbert, got through with the defendant and put that label on the valise, if Herbert had discharged his duty, and if at the time the defendant intended to smuggle these goods into the United States, and the defendant at that time did not intend to pay the duty on these goods up to that time, he smuggled them into the United States within the meaning of the law, because it appears that there was no other machinery of the law to be put in force relating to the collection of duty upon these goods.

Mr. Cahil: It is to that portion of Your Honor's charge that we except. I ask Your Honor to charge that the offense of smuggling is not committed unless some goods, wares and merchandise are actually brought ashore or carried to shore contrary to law.

The Court: I also charge: and the dock is the shore.

Mr. Cahil: Our contention is that it is not until after he has gone beyond the jurisdiction of the customs officials.

The Court: When he got so far along in this

matter that the customs officers had exhausted their duties with reference to it, then, in my opinion, he is beyond the line and the smuggling is complete, and it is not necessary that he should go out into the street, because the dock is the extension of the street and just as much a part of the State of New York as the central part of the State would be, and is subject to its jurisdiction just as much, and is just as far away from the admiralty jurisdiction.

Mr. Cahil: I ask Your Honor to charge that mere possession of the goods is not sufficient to authorize a conviction under this section, and that it is necessary for the Government to show that the goods were imported contrary to law and that the defendant had knowledge of the fact.

The Court: I so charge.

Mr. Cahil: I would ask Your Honor to charge that it is the intent to defraud the revenue, and not the mere secret and clandestine manner of importing goods, which constitutes the gist of the offense.

The Court: I will charge that the intention alone would not be enough, nor the bringing them in would not be enough, but the two together form the crime.

Mr. Denby: I ask Your Honor to charge the jury that they may take into consideration the way that the goods were brought in in determining the intent.

The Court: The intent must be inferred from the acts and statements of the defendant.

Mr. Cahil: I ask Your Honor to charge that the failure of the defendant to take the witness stand in his own behalf raises no presumption against him in law.

The Court: I so charge.

The jury thereupon retired, and at 1.10 P.M. returned and, through the foreman, announced that they found the defendant guilty as charged in the indictment.

Mr. Cahil: I formally move to set the verdict aside on the ground that it is against the law and against the weight of evidence.

The Court: Motion denied.

Mr. Cahil excepts.

On May 22, 1902, the prisoner was sentenced as follows:

Sentenced to two years in prison and five thousand dollars fine; to stand committed until paid. Sentence to be executed at New York State Reformatory at Elmira.

## SMUGGLING OF DRUGS

**THERE** is a class of druggists in the metropolis who deal in prohibited goods. Some are "protected" by patent rights, and others are illegal to sell or even bring into the country. Early in 1900 the Government received the intelligence that great numbers of these prohibited articles were finding their way into the hands of women of questionable repute, and the indication was that a single agency was engaged in the work of distributing them through the proper, or rather improper channels.

Several presumably respectable drug firms were suspected for some little time, but their innocence was established beyond peradventure. Then the name of Hugo Rosenthal was placed on the list of suspects. Rosenthal had a prosperous pharmacy at the corner of Fifth Street and Second Avenue, Manhattan, and when he originally came under surveillance was absent in Europe.

We waited more than a month for his return from foreign parts. When I found his name on the passenger list of the steamer Deutschland on arrival in Hoboken, August 6, 1900, I had no diffi-

culty in locating him on the pier. I was quite anxious to learn how he brought the illegal goods in, being satisfied that it was in no regular way. I accosted him and said that there was a strong belief that he was engaged in the unlawful business of importing prohibited stuff. He said the statement was absolutely untrue, and gave it as his opinion that somebody was joking with me at his expense.

I directed him to point out his luggage, which he did, vouchsafing at the same time the information that it had been duly examined and passed. Under the system of examination, the inspector employed for that purpose is given the passenger's declaration only when the tourist presents a numbered card. The latter is retained at the official desk on the pier, and the declaration is returned to this desk by the inspector at the conclusion of his examination. I left Rosenthal and went to the desk at the head of the pier and asked to see the sworn declaration of the man. It could not be found. This was most mysterious. Then I asked for the ticket corresponding to the number of the missing declaration. This, too, was missing.

By a mere accident I tumbled over an inspector who said that he knew the inspector to whom the declaration of Rosenthal had been entrusted. The chief of staff speedily found him, and the man stated that he had made a most thorough search of the chemist's luggage, but was unable to find

anything dutiable. He growled like an old sea dog when I told him that he would have to examine the stuff again, this time in my presence, and with the aid of an inspector whom I would pick.

"What!" he exclaimed. "Do you doubt my honesty?"

"None of your nonsense," I said to him. "We are here to get for the Government everything that it is entitled to."

When we reached the spot where Rosenthal's baggage was located we found that his mother had arrived to greet him and that the two were engaged in earnest conversation. Mrs. Rosenthal hinted that if an examination were omitted it might be profitable to the servants of the Government. I found the trunks of the man loaded down with all sorts of illegal stuff, and, in addition, a quantity of phenacetine.

An overhauling at the Public Stores subsequently showed that there were one hundred pounds of this phenacetine in one trunk alone. This drug, which is used chiefly as an antipyretic, is most valuable, and its importation into the United States is more or less controlled by one firm. This establishment had for several years tried to learn how a score or more of houses in New York, Chicago, Boston and San Francisco had secured the stuff without its agency, but the detectives had turned in a report that proved nothing. Stowed in another trunk of Rosenthal's were discovered

250 boxes of unlawful articles. When the contents were shown to Rosenthal, he pressed his lips tightly together, flared up to a point of violence, and finally remarked:

"There they are. You may do as you please about them."

The inspector who claimed to have originally examined the smuggler's baggage insisted that there was no collusion. He made an affidavit that he had looked over the insides of the trunks in a consistently honest way; that he had never met the chemist before, and that he did not know there was any irregularity until the second examination took place.

There is no question that this inspector was in the pay of Rosenthal. At least, that was the opinion of his superiors who dismissed him. Rosenthal was placed under arrest as he attempted to leave the pier, and, upon being arraigned before a United States Commissioner at Hoboken, was remanded under two thousand dollars bail. The Grand Jury at Trenton afterwards indicted him. His goods were regularly condemned, and those which the Government could legally sell were disposed of at auction. The others were destroyed by the United States marshal.

This seizure amounted to \$3,992.04. It is a matter of official record that the illegal importation of phenacetine stopped, in a great measure, with the arrest of Rosenthal.

## HOW RICH MEN SMUGGLE

It must not be supposed that professional smugglers are the only ones to smuggle. It is a sad commentary upon the honesty of the rich man that many of his kindred believe it to be part and parcel of the trade of life to defraud Uncle Sam at every opportunity. I was once told by one who spent many years in the service of the Treasury Department that if I valued my official position I must shut my eyes to many of the weaknesses of men of means and influence.

"You never know what wire they can pull," said this veteran agent, adding: "It is a hobby with some of them to try to defraud the Government. Outside their circle it would be called 'robbery'; but, to be charitable, we, in an official capacity, call it 'lapse of memory.' "

While I have always respected the wishes of the rich man, provided he was good, I cannot say that I have shied much when they have brandished the signal, "I have a pull," as they have frequently done. I realized that so long as I did my duty in the premises, no matter what the circumstances might be, nobody in Washington or elsewhere, be

he high or lowly, could consistently object to any fruit of my labors.

As an illustration that even wealthy men are sometimes quite frail when it comes to importing gems or other precious stones without the formality of an official declaration, I will cite the cases of Joy Knickerbocker, president of a large concern, and W. H. White. Any one of these men is able to pay the total operating expenses of the Custom House for a year without impoverishing his annual income. The case of Mr. Knickerbocker was a clear one of "lapse of memory." He "really" did not know that pearls were dutiable when imported under certain conditions. As I was mainly responsible for the collection of duty in the three instances, I will tell the story of them as it occurred.

As a result of my trip to Europe during the month of July, 1901, I reported on my return that Joy Knickerbocker had arrived home a year before and had been permitted to pass his baggage off the pier without the payment of any duty. I was in possession of information that Mr. Knickerbocker had purchased from the house of Goldsmith, of London, a pearl necklace, valued at thirty thousand dollars, and I told Collector Bidwell that I desired very much to seize the property when Mr. Knickerbocker, who was still abroad, returned.

Mr. Knickerbocker reached the west side of the

metropolis in the Kaiser Wilhelm der Grosse on September —, 1900, the very day on which I was subpoenaed to appear before the Grand Jury in the city of Trenton in the case of Mrs. G. F. Hall. It was impossible for me to get out of appearing at this trial, and the Collector decided to send a deputy of the third division, who had charge of the special deputy collectors who act as staff officers, to interview Mr. Knickerbocker when he touched the pier.

The deputy collector asked Mr. Knickerbocker if he had purchased anything special on the trip just ended, and the steel wire magnate admitted to three thousand dollars' worth of dresses bought by his wife, which were declared. He stopped there. Pressed by the deputy collector, Mr. Knickerbocker announced that he had purchased a pearl necklace valued at ten thousand dollars, but insisted that the two items he had mentioned consisted of his entire purchases while abroad.

The customs official then stated that Collector Bidwell had information of the purchase in Europe of a necklace by Mr. Knickerbocker and that duty had not been collected upon it. Mr. Knickerbocker looked surprised for a moment, but upon being assured that the Government had the necessary information he admitted that he had such a necklace, and added that he had failed to pay duty upon it.

Mr. Knickerbocker is one of the shrewdest busi-

ness men in the public eye, but he was thoroughly unprepared for the next question that the deputy collector asked. At least, his face showed much color as he was requested to state if any additional value had been added to the necklace since its original purchase. After a second's hesitation he made reply that six thousand dollars' worth of pearls had been placed upon this necklace since its purchase, and this fact being duly established, he readily estimated the value of the necklace to be about thirty-five thousand dollars, foreign value.

Having satisfied himself that Mr. Knickerbocker thoroughly understood the situation, the deputy collector informed the man that both necklaces were clearly dutiable at the rate of sixty per cent. A few days after this Mr. Knickerbocker sent in his check for \$28,923.10, which represented the sum on the appraised value of \$48,000, which included \$3,000 on Mrs. Knickerbocker's frocks.

I learned of the White purchase of pearls while I was still abroad in July of 1901. All that I could glean, at first—and even this meager information it took me some days to obtain—was that an American woman had made the purchase at a famous establishment. At this place I inquired in various ways, but all the information I could get was that the lady was a comparatively young woman; that she came in her carriage with livery; that she might be in Paris even at that time, but that nobody in the store was able to identify her. Oh,

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dear, no, they could not. She did not leave any name, and nobody there seemed to know where she resided, if she resided at all. This and a lot more that does not really affect the case.

It is a matter of official record how I learned that the woman who purchased this necklace, which the jewelers admitted was worth thirty thousand dollars—and about all that they would admit—had come to America, and to the Holland House I went one day in search of W. H. White, who, I felt sure, would be able to tell me something about the purchase abroad by his wife of a thirty-thousand-dollar necklace, upon which she had neglected to pay duty.

I did not see Mr. White that day, although he resided at that hotel, but in October, in the company of Mr. Small, the private secretary of Collector Bidwell, I called at his office, on lower Broadway, and interviewed Mr. White for the first time upon the purchase of the necklace in question. Mr. White did not relish the situation, that was clear, but he stated that it was true that Mrs. White had been abroad in July with a party of friends and that later on he had gone abroad to return with her.

I will give the remainder of Mr. White's statement, so that it may be understood how really forgetful a man may become. In substance, this is what Mr. White said:

“When Mrs. White went away to Europe I

asked her not to tell me of any purchases she might make while abroad. I did not want to know. I told her that if she should buy anything abroad and not declare it, I hoped it would be seized. I do not know that Mrs. White has purchased abroad such a necklace as you describe, but I shall ask her at the first opportunity and will let you gentlemen know."

The following Monday Mr. White called upon Collector Bidwell at the latter's office and produced the necklace, which he said Mrs. White had purchased in Paris. The foreign value of the magnificent string of pearls which he displayed to the head of the Custom House, as appraised by that office, was \$31,116, and the duty which we collected from Mrs. White was \$18,669.60, making the home value of the necklace \$49,785.60.

I consider Mr. White very fortunate in being permitted to pay duty on this jewelry, for if ever precious stones should have been confiscated, it was in this instance. With one exception, the White necklace was the most perfect one I ever saw, the brilliancy of the pearls and their coloring, and even graduation, being exceptionally desirable.

## NECKLACE SMUGGLED IN HER MUFF

In several instances the work of the anonymous letter-writer has been invited by the Government officials. I recall an interesting conversation which I once had with a most successful Fifth Avenue jeweler. It was during my investigations into the Lejeune case. The jeweler had complimented me upon my success, particularly in securing so many pearl necklaces that year.

"Why," said he, during a general discussion, "I know at least a dozen society people, all high in the church, who have been abroad within the last few years and who have purchased necklaces worth from fifty thousand to two hundred thousand dollars each, without paying duty on the same. They have come here to my store and boasted of their cleverness in getting the stuff in without detection. One woman, who last year gave an immense sum to charity, told me that she purchased a necklace of pearls and pigeon blood rubies from a Rue de la Paix jeweler in Paris for a million francs. 'I brought it in in my muff,' she told me."

I was certainly surprised at the statement,

knowing the man to be thoroughly honest in speech, and I thanked him for the information, adding:

"I am, unfortunately, not a mind reader. You have the names of a thousand or more clients on your books. I cannot grasp the name of this particular woman out of the air."

"She is doubtless thankful for that," he said quietly.

"Well," said I, "it is too bad. But the information may possibly reach me some day."

"Possibly," was his comment, as he toyed with a tiara worth one hundred and fifty thousand dollars.

"Yes," I continued, nothing daunted. "Do you know, I sometimes receive anonymous communications. In the majority of cases they amount to nothing."

"What do you do with these anonymous communications?" the jeweler asked me.

"The waste-basket is usually the recipient of them," said I.

"Indeed!" he remarked. "What would be the fate of an anonymous communication regarding a certain pearl necklace should you receive one?"

"It will be immediately destroyed. Do you know, I have hopes of receiving one to-morrow morning."

"A favorite author of mine," said he, "once said that all that was necessary was to stand on

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guard with an assured countenance. I believe that he was right. There is no saying but that you may get an anonymous letter as soon as to-morrow morning, perhaps. I do not always believe in anonymous communications, but you do right in destroying them immediately. Come in again when you are in this neighborhood."

Strange to relate, I did receive an anonymous letter in the first mail the following morning. And stranger still to relate, I made the acquaintance of a charitably inclined woman a few days after, and, if I remember rightly, I was not presented to her at a pink tea. We got on surprisingly well on short acquaintance, and it did not take me very long to discover that her mind ran to giving alms and smuggling pearl necklaces.

## THE MAXIMILIAN JEWELS

WHEN Maximilian was Emperor of Mexico he owned one of the most costly jeweled crowns in the world. Photographs of it were distributed broadcast as showing the highest perfection in the art of setting precious stones. Some of the stones were described officially as being enormous in weight, and their color and brilliancy were classed with a dream. Early in November of 1900 news was received in New York that several Mexicans were in the city trying to dispose of some of the most expensive stones that were formerly in Maximilian's crown. I located the men at the Hotel Bartholdi, where they had a gorgeous suite, and learned that they had come to the metropolis from Mexico by way of St. Louis.

These men, I readily found, were no ordinary smugglers, and would require a great deal of careful watching before they could be plucked. For ten days they were shadowed as faithfully as human agency could, but it was not until November 12 that the least flaw could be found in their actions.

On that date I followed three of the men from

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the Bartholdi to the office of a diamond appraiser on Sixteenth Street, between Broadway and Fifth Avenue. From a convenient position on the street I was able to see, without being observed, everything that the men did in the appraiser's office.

One of the men seemed to be doing all the talking, and I afterwards learned that he was General Marco. In his behalf I wish to say that I think he told the truth when he subsequently said that he was merely acting as an interpreter and knew little or nothing of the reputations of his companions.

I saw General Marco hand over a large package, which the appraiser examined in a most minute way. The trio spent nearly a whole hour in the appraiser's office, and when they emerged it was to walk rapidly in the direction of Broadway. I kept my eye closely upon the smallest of the three, because it was he who had taken the package back from the appraiser.

The trio turned sharply into Broadway, and, as it was the busiest time of the day and the thoroughfare congested with pedestrians, I decided to take action then and there. At the corner of Broadway and Eighteenth Street I placed the three under arrest. The two companions of General Marco threatened to resist arrest, so I called a policeman and took all hands to the police station.

General Marco went literally to pieces when arraigned at the station-house desk, and insisted

that he was simply acting as a servant of the men. A crowd of over three thousand had followed us to the station, and the two Mexicans, who were unable to speak a word of English, turned repeatedly to the crowd and pleaded that my action was an outrage.

The Mexicans gave their names as Velo M. Preza and Alejandro A. Marouci, which were the same as those appearing on the hotel register. With the aid of several detectives I searched the two Mexicans first. Not a scrap of jewelry was found upon them, but Preza had two return tickets to Mexico. General Marco seemed such a good old soul that I hesitated about searching him; so I said:

“Before searching you, General, I wish to give you an opportunity to make a statement. If you have on your person any jewels that do not belong to you I want you to surrender them.”

He made reply without the least hesitancy.

“Yes, this package of jewels belongs to these men. I have no connection with them, however. I am simply employed as an interpreter. They do not talk English.”

He pulled from his pocket a huge package, which he handed to me. I opened it and found a brooch with a diamond in the center. This diamond had a yellow cast, and was afterwards found to weigh 33 7-10 carats. There were eighteen diamonds

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surrounding this center stone, none of which weighed less than one carat.

Two rings, each containing a large diamond, were discovered wrapped in tissue paper. One of the rings had a most peculiar setting, as though it contained a "crown." Each ring diamond weighed five carats. They also had a yellowish tint. A leather case which had held the jewels was found to contain a memorandum stating that "the large diamond weighed 33 7-10 carats and was from the necklace of Maximilian of 1860." Another memorandum said that one of the rings was on Maximilian's finger "at the time he was shot."

There was a certificate of appraisement, and when I asked General Marco about it he said that it had been secured so that an advantageous price might be obtained for the jewels in a sale that was to be consummated.

This is the plan as the General unfolded it:

The certificate of the appraiser was to be shown to Miss Lillian Russell, the actress, and to other persons who were inclined to wear massive pieces of jewelry. One woman, the wife of a banker, had intimated that she would be proud to be the possessor of a jewel which had been worn by Queen Carlotta, and the certificate was intended to get a larger value from her than the jewelry was really worth.

When the pair of Mexicans saw that General Marco had betrayed them they confessed to me

that they had come north through a prearrangement. The moment they arrived in the metropolis they entered into negotiations with a well-known and popular clubman who desired to buy the jewels for one of his mistresses. He was known to have at least four of these expensive luxuries. This narrative might be made spicy by giving the clubman's name, but as he has since married and, I hope, settled down to one household, it would, perhaps, do more harm than good to tell who he is.

Marco was not detained. The two Mexicans were arraigned before the United States Commissioner and held for the Grand Jury. The case was disposed of by the District Attorney by the confiscation of the jewelry, with the exception of one of the rings, which was returned. The men were permitted to depart for home and the indictment has since been quashed. The value of the property seized was variously estimated, the newspapers bringing the figures up to ninety-six thousand dollars. That estimate was a little too high. Who owned the jewels, whether or not they belonged to Maximilian or Carlotta, or how they came into the possession of Preza and Marouci I have never discovered. All I really know about the sequel of the case is that not long since I received an unsigned letter from Mexico, which said in cheerful Spanish:

*“Suffre por saber, y trabaja por tener. Al hombre bueno no le busquen abolengo.”* (“Suffer in

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**order to know, and labor in order to have. No one explores a good man's pedigree.'')**

**'The apostrophe or applicableness of which is all Greek to me. But, then, Spanish wisdom is odd.**

## HOW SMUGGLERS SMUGGLE

If all the tricks of the smuggler's trade were known to the customs officials there would be no necessity for special Treasury agents or those special inspectors who are employed in revenue work. That a good many of the tricks are known is evidenced by the constantly increasing sums that are being collected upon the piers and along the borders. It is possible for a man or woman to smuggle for a time; that is a self-constituted fact. It is impossible for either to smuggle for all times; the most hardened will admit that. As surely as sunrise, their downfall will occur sooner or later.

The Government never assumes that a traveler is dishonest until the traveler gives it some reason to think so. That is the golden rule of the service. It is not emblazoned with heraldic devices on the walls of the river piers, nor is it printed in the smoking-rooms and social halls of the over-sea steamers, but it is rightly known to all Government employees that no offense must be given unless there be almost indisputable evidence that something irregular is going on. It is for this very reason that so many smugglers escape.

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"Better lose a million than hurt a dozen," is the Treasury Department's motto. It is just that it should be so. A celebrated business man once told an assistant in our offices that he liked to defraud the Government, because it sort of made him feel good. He used to boast to his friends how easy it was to deceive the country. His friends were of a communicative kind and told the customs officers. The man gave up going to Europe five years ago because, as he put it, "the Government had it in for him." There is nothing really surprising in the latter statement, if it be true.

The ingenuity of the professional smuggler excels that of the professional shoplifter. There is not such a wide difference between the two, either. Many who roll their eyes and hold up their hands in horror over the crime of the store thief consider it no harm to rob the Government. In reality, one is as bad as the other, and both are on a par with the pocket-picker.

Some of the modes of smuggling are worthy of a better cause. One diamond merchant, who was clever enough to make but a single trip each year, was invariably accompanied by his wife. Finishing one of the trips, he was detained on the pier and searched. There was nothing found that the Government could lay any claim to. The merchant was very indignant over what he termed "shabby treatment," and told the inspectors that he would

get even with the department if it took a hundred years.

"The next time I go to Europe," he said, "I'll bring in a lot of stuff right under your noses. Mark me if I do not."

The following year, upon the completion of another trip, the man was searched, and again the officers failed to locate anything that he had not declared. One of the inspectresses was instructed to search the man's wife, but the task revealed nothing of an incriminating nature. The officers were certain, however, that the woman had diamonds hidden somewhere upon her person, but neither husband nor wife betrayed the other by word or action. A suggestion was made by a young inspector that husband and wife be separated, and the woman was taken to the upper end of the pier and there placed under surveillance.

The husband, although questioned at great length, refused to say that he had any diamonds with him. Meanwhile, another officer went to the wife of the merchant and said that her husband had admitted having brought over the diamonds; that she had them secreted, and that he wanted her to give them up. The woman began to cry, and finally became hysterical. It was one of the most unpleasant ten minutes ever seen on a steamship pier.

At last the woman removed her hat, took out the pins that held her hair, and the officers saw

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a chamois bag tied closely to the head, underneath the hair. The bag contained a considerable number of diamonds of great value. They were of the finest color and brilliancy and flawless in every detail. It is needless to relate that this merchant now pays duty on his importations and has abandoned the idea of revenging himself upon the customs officials.

The busiest period of the year for homeward-bound travel is during September, and it was in this month, during 1900, that an insignificant-looking man came down the gangplank of the steamer *Trave*. He was dressed in a long frock coat, had a new silk hat, the latest-cut trousers, and carried a swagger walking-stick. He was fearfully deformed, however, and reminded one of the hunchback in the "Two Orphans," only he had better clothes.

Some of the customs inspectors who were fond of horse-racing, believing in the efficacy of making friends with the hunchback, asked him, without any offensiveness on their part, if they might rub his "hump." He laughingly said they might, but when they approached close enough to do so he drew back, and one of them became suspicious. They called for a higher official and stated their suspicions. The man was asked to return to the ship that he might be searched.

When his clothes were removed it was found that the "hunch" consisted in part of three por-

ous plasters pasted firmly to the back, and that between the plasters and the skin was a package of considerable size, wrapped in cotton wadding. He howled like a maniac while the plasters were being pulled off, and, as a matter of fact, I think the operation did hurt him a tiny bit.

The package was about six inches long and four inches wide, and rolled in between the wadding were several hundred pieces of jewelry, consisting of rings, stick-pins, brooches, chains, necklaces, sleeve-buttons, and the like. The man was a walking jewelry store, if ever there was one. We afterwards learned that he had made twenty-seven trips across the Atlantic to the States and Canada, and that at one time he brought in an immense lot of jewelry in a casket supposed to contain the body of his mother.

He denied absolutely that he had ever said that the casket contained the remains of his mother. He would never be so hard-hearted as to bring jewelry over in his mother's coffin, he insisted. It was his brother's casket, he added, and he had placed forty-three rings on the dead man's fingers. These rings he subsequently sold, but he would not tell where. We had to accept his word for everything he said about the past, for he, too, insisted that he was an honest man. He seemed to be perfectly dumfounded when told that it was a crime to smuggle.

"Why, everybody that I know does it," said

he, which was doubtless true. The man is no longer deformed, nor is he a smuggler. He is conducting an institution for the weak-minded in Berlin. Such is fate.

Another famous smuggler, who made six trips a year to the other side, never carried any greater baggage than a small hand valise. He was a man of advanced years, a foreigner, named Tuprey, which seems to be a most appropriate cognomen; but he looked so feeble on his stout walking-stick that for quite a time no official eye thought it necessary to view his coming with suspicion. He became too active, however.

It was discovered, in the natural course of events, that the man would invariably arrive in this country from Antwerp on Monday or Tuesday and start the following Wednesday to return to Belgium. Usually he was here forty-eight hours, but not infrequently he remained on this side only one day. This system of hasty departure was the first thing to call attention to his many transatlantic trips.

He was shadowed from that on, and always traced, after his arrival here, to a firm in the metropolis well known as purchasers of smuggled diamonds. After this he was constantly searched on the piers the moment he landed, but for a long time the vigilance of the agents was unrewarded. At last one of the inspectors thought of the cane and asked the man to give it up.

"Why, I cannot walk without a cane," he said in a voice that indicated great surprise that anybody with common sense should suppose for an instant it was possible for him to even hobble along without the aid of his faithful companion.

"If you cannot walk without your cane," remarked the inspector, "we will furnish a stretcher for you. Give me that cane and climb on my back. I will carry you to the end of the pier. But go you must, if we have to call an ambulance, and the fire department, as well."

He managed with the greatest difficulty to walk to the end of the wharf without the assistance of his stick, and here he was escorted to a private room, which, as is the case on the majority of steamship wharves, was set aside for the purpose of searching suspects. It did not take long to discover that the cane carried by Tuprey was made of bamboo, that it had a cap which could be unscrewed at will, and that inside the cane were seventeen thousand dollars' worth of diamonds.

Confronted with a handful of the finest kind of brilliants, which a few seconds before had been hidden within the walls of the bamboo stick, the man told the authorities how he had carried on his nefarious business. He said that after landing he always went direct to the diamond smuggling firm (the members of which, by the way, belong to one of the most influential churches of New York), unscrewed the cap and turned the stuff over to

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the firm by emptying the contents of the cane upon the desk of the senior member of the establishment. The latter, who is a director in a savings bank as well as a supposedly God-fearing citizen, would then take the smuggler out to lunch or dinner, as the case might be, and Tuprey would remain in the Empire City just long enough to purchase a draft on some bank in Antwerp and take the next steamer home. Then he would buy another lot of diamonds, refill his cane with the nonchalance of a college lad feeding his pipe with choice tobacco, and set sail to do the whole performance over again.

It is remarkable how firmly and rapidly Tuprey walked without his cane when his property was confiscated and he was told to get out of the country and never return. His record between the Custom House and the steamship pier is yet unbroken for straight heel-and-toe work.

Bringing valuables into the country in one's shoes was formerly a favorite trick of the professional smuggler. On one occasion a Chicago man was found to have forty-two chains, one hundred and twelve diamonds and forty-three pearls in his boots. It is with no attempt at humor that one may seem surprised that a man—and he a Chicago man—should be able to get his feet and this immense collection of dutiable goods into a pair of boots at one and the same time; but this particular man had the smallest feet that ever

came out of Chicago and the largest pair of boots that ever encased supposedly small feet.

The chains, it was learned, were carefully laid along the inside bottom of the boots, and, as the latter were of the high-top variety, their wearer had no great trouble in secreting the diamonds and pearls inside the tops.

Another smuggler made a business of sewing precious stones inside the upper portion of his socks and holding the latter in secure position by means of a pair of garters which he patented himself. He always made his trips with a half-filled steamer trunk, containing a scanty supply of linen, which he afterwards explained, was done to give the customs inspectors the impression that he was poor and did not have many changes.

One day, following his arrival on the steamer Friesland, he was seen to be limping about the pier with a look of intense pain. He could scarcely walk, and was questioned. He said that the vessel had been struck by a mountainous wave and that he was thrown down and had injured his limbs. One of the Government officials, who was previously assigned to the duty of watching the man, doubted the story, and, consulting the officers of the ship, learned that what the man said was untrue. This official resought the presence of the limping passenger and, as did the patriot, Paulding, when he met Major Andre, the spy, on the road near Tarrytown in 1779, said:

"Take off those boots."

They were shoes in this instance, however, and, instead of containing plans for the delivery of West Point to the enemy, they contained a most heterogeneous collection of jewelry—pearls, diamonds and rubies. It appears that the smuggler had in this case failed to properly sew the pockets in the hose; that they had broken adrift while the ship was coming up New York Bay and the goods had worked down into the confines of his shoes, cutting his feet in scores of places and making it almost impossible for him to walk.

The man was relieved of his jewelry and his pain. He was afterwards caught smuggling precious stones into the country by placing them between the rim of bicycle wheels and the pneumatic tires of the machines. His wife, too, was a professional smuggler, thin and as devoid of womanly form as is a darning needle.

She arrived in New York in 1900 with her weight greatly increased. One of the inspectresses noticed that she was built out of all proportion, which the unsophisticated eye of man could not see, and when relieved of her clothes in the private room on the pier several thousand yards of the most expensive laces were unwrapped from her body.

She looked like the living skeleton of museum fame when the lace and herself were separated, according to the statement of this inspectress.

She said that she never intended to smuggle; that she was subject to chills, and that she put the laces around her body to keep it warm. "An' that, mark you, is the way av a woman," as a gallant musketeer once said.

Still another smuggler of diamonds, who always considered the insides of his shoes good enough as a vehicle for his goods, was formerly a manufacturer of clothing in New York City. His name was Bush, and he was found by Government officers at Windsor, Canada, having worked his way from Montreal to that city, with the special agents close on his trail. He took the boat across to Detroit, and was followed into the diamond-selling market of that place, where he was apprehended, searched and nothing found until the officers heard his shoes emit a peculiar creak.

Two packages of diamonds, worth twenty thousand dollars, foreign value, were found in his shoes. The case was brought to prominent attention in official circles because some of the members of the Diamond Cutters' Association of New York were asked to employ counsel to protect the interests of the seller of the gems, who resides in Antwerp. The Belgian merchant had received but ten thousand dollars as part payment of the goods sold to Bush and an acceptance of the remainder. The case is still in the courts in Detroit. I doubt very much if the Antwerp merchant will ever re-

ceive any part of the unpaid acceptance, as the goods must be sold under the law.

Smuggling in cigars was once a most profitable trade to those concerned. The fruits of the late war, resulting in a closer alliance of this country with Cuba and Porto Rico, have more or less stopped this illegal traffic. When the trade was in full swing the customs officers used to board all steamers from Havana and other Cuban ports pretty well down towards the sea.

This gave the watch-dogs of Uncle Sam a better chance to observe what was going on and to search the vessels, if it was found necessary to do so. For some years the smugglers made a practice of placing large quantities of the most costly cigars into rubber bags and of throwing them over the ship's sides into the water. The system was carried on while the craft was moving between Sandy Hook, the gateway of the metropolis, and Quarantine, inside the Narrows, where the health officials went on board. It was usually done during the middle of the night, but the smugglers grew so bold that even daylight did not stop them. The rubber bags, with their precious contents, were readily recovered from the water by the fellow-conspirators of the smugglers, who, in small row-boats, awaited just such an opportunity. The practice might have continued for an indefinite period had not a disgruntled smuggler informed the Government. In many instances after that bags of

cigars were found in the ship's boilers or in the coal bunkers, buried in ashes.

For championship honors and rare ingenuity in smuggling the name of Anson Van Bussinair must be considered among the first. He was a Belgian that had tricks fit for a peddler. He flitted between the diamond markets of Antwerp, Amsterdam, Paris and London, and the unloading place was America. His trips here were, to all outward appearances, thoroughly conventional ones. He had a brother who resided in New York, and with whom, while here, he used to live.

It was simply remarkable how he loved this brother. The affection of Evangeline for Gabriel, the devotion of Virginia to Paul, the fondness of Faust and Marguerite, and the love of Lancelot and Elaine were crude and commonplace when compared with the deep feeling that existed between these two brothers.

The only wonder was that the Belgian ever went away, once he arrived in New York. They kissed and hugged in public, and they robbed the Government and seemingly prospered in private. It is history, many times told, how bitter to each other brothers have become once they fell out, and in this particular instance these two brothers, following a business quarrel, hated each other with all the intensity of their original love.

It was time for the informer to step in, and Brother Cain, of New York, believing that the

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most modern way to murder his brother Abel, of Belgium, was to tell about his transatlantic business transactions, consulted the customs officials, with the usual result.

The recital of the story by the Americanized brother solved a problem that was a gigantic puzzle to the authorities every time the man from Belgium arrived. He had been suspected of smuggling for some little time before it was decided to search him. Nothing was found. He was searched so frequently on his following trips that the officials grew tired of the phantom-like chase for evidence, and finally they let him come in without molestation. Van Bussinair never remained in the city more than five or six days and not infrequently less, but it was noticed that he always went back in the steamer in which he had arrived. The detectives never failed to notice that the New York brother had a new supply of diamonds a few days following the departure of his brother for Antwerp. They could not figure it out for the life of them, however. This is how the stuff was imported, as shown by the voluntary affidavit of the informing brother.

With his consignment of diamonds safely stowed away in wallets, the Belgian usually boarded an outgoing ship at either Amsterdam or Antwerp a half hour before the time fixed for her departure. He had his room engaged in advance, and was well known to the officers of the craft for

the reason that he made it a rule to take the same ship on each trip, and usually the room that he had occupied on the trip previous. This is no uncommon thing with old ocean travelers, who take a fancy to a certain ship and a given room.

In the stateroom that the man selected was to be found a lounge used during the rush to Europe as an extra berth. The lounge, or sofa, as it is technically called in steamship parlance, is a stationary affair, about as high as the lower berth of a Pullman sleeping-car. It has an upholstered cushion its entire length and there is a pillow made of the same material at either end.

Van Bussinair, in his original preparations for smuggling precious gems, worked at night—the first one at sea—and bored a hole of considerable size through the deck under the lounge. There is considerable noise when a steamer is under way, both from the machinery and the swash of the sea alongside. This noise was seemingly greater than that made by the man's auger. At all events he finished his job without attracting the attention of his stateroom steward or without being interrupted by anybody else.

With the making of the hole in the stateroom flooring the smuggler secreted a bag containing nine hundred carats of diamonds. To prevent the gems from rolling away or falling into the bowels of the ship below with the pitching and twisting of the hull, he had the bag securely attached to a

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piece of stout wire and the other end fastened to the stationary bottom of the sofa.

The presence of neither bag nor wire could be discovered by the steward, even if he removed the upholstered cushion, the bottom board concealing them from view. With the hole once formed, the Belgian had a full week in which to secrete his intended importation.

They were never discovered at this end because he never brought them ashore, letting them remain in their safe hiding-place while the ship was at her wharf recoaling and reloading for the return trip. Van Bussinair would wine and dine with his brother and take out a return ticket. On the day of sailing he boarded the ship, placed his luggage in his room, and a little time before she backed into the stream his brother would go on board to say a sad adieu.

Once inside the stateroom, however, the smuggler used to remove the gems from their hiding-place and pass them over to his brother, who immediately went on deck, heart-broken, to all appearances, that the two had to part. No suspicion attaches itself to visitors boarding vessels about to leave New York, and this was the brothers' lucky star, for the New York representative of the distinguished household walked ashore with the diamonds unmolested.

An official investigation of this particular case showed that the Belgian never brought in fewer

than nine hundred carats of diamonds on any of these many trips, and on one occasion he imported as many as twenty-one hundred. The bedroom steward of the ship that Van Bussinair made the giant portion of his nefarious trips on looked sad, indeed, when he learned of the proceeding. Why he looked sad is a question that I am unable to answer. He was said to be a good, Christian man when at home and not much given to English, but he swore a good, round American oath when the yarn was unfolded.

## THE DRESSMAKER'S WAY

FOLLOWING the eventful occurrences of March 24, and even more important ones of September 7, of the same year, I was on the Hamburg-American Line pier in Hoboken on the night of September 7 to "welcome home" some distinguished "tourists" of the company's steamer *Auguste Victoria*. Among these travelers was a man who, according to rumor, was bringing in a quantity of diamonds in violation of law. There were also on board Mrs. G. F. Hall, a dressmaker of Chicago, formerly of Minneapolis; Mrs. McKay, a dressmaker with a successful establishment on —— Street, near Fifth Avenue, New York; Mrs. Simpson, a dressmaker of Louisville, Ky., and a Mrs. Janis, a swell milliner of the same city.

These were quite a batch of "notables" to receive unaided, and I realized on the way across the North River that it meant a lively night's work for me. Davis, the deputy in charge, came to me and said:

"Mr. Theobald, if I can be of any service to you to-night I trust you will call upon me. Anything that you do on this pier or anything that you desire done will be perfectly acceptable to me."

It sort of took my breath away, to use a figure of speech, and I cannot now recall if I regained my self-possession sufficiently to make an appropriate reply, because we were not on the best of terms. At all events I managed to stagger along that night without his assistance. My first interview that evening was with the passenger who was suspected of being a human diamond field.

I have not much respect for the average smuggler, but I must say that I was grievously disappointed in this man. He was not nearly so clever as I was led to believe. It was a most unpleasant half-hour for him while he was being searched. I permitted him to depart after finding a lot of diamonds which, while not of great value, were still interesting enough in view of the fact that he failed to get away with them without paying the Government its revenue.

I went in search of Mrs. Hall and Mrs. McKay, but not only was I unable to find them, but I was equally unsuccessful in finding their trunks under the letters assigned to them. I knew the husband of Mrs. Janis very well as a boy, and I encountered him on the pier while in search of the two dressmakers just mentioned. He had not been to Europe with his wife, he explained, but was anxious to get her off the pier as soon as possible, and begged that the courtesy of an immediate inspection be extended to his traveling spouse.

An old-time regulation as to the extension of courtesies was then in vogue, and I took Mrs. Janis to the desk and asked the staff officer in charge to detail an inspector to examine Mrs. Janis' baggage, which was done. This inspector has been a long time in the service and is known throughout it as a faithful officer, but, that there might be no misunderstanding, I said to him:

"This gentleman is a lifelong friend of mine, but I want you to make a thorough examination of his wife's baggage and if you find anything dutiable see that the duty is collected."

Nothing that was subject to duty was found, however, which fact disappointed several on the pier that night, who had hoped that my words in behalf of my friend might prove a boomerang to me. While the examination of the Janis luggage was in progress I went in search of Mrs. Simpson and found that her trunks had been passed.

I demanded a re-examination, with the result that considerable goods not declared were turned up. I was about leaving the pier to go Mrs. McKay to intercept her luggage when I saw Mr. and Mrs. Simpson enter a Waldorf-Astoria 'bus. There was a big trunk on top of the 'bus, and, failing to recognize it as belonging to the collection that Mrs. Simpson had shown me, I stopped the driver and said that I wanted to see that trunk. As I did so I saw a fine-looking woman

with gray hair inside the vehicle in close conversation with the Simpsons.

I had a fairly accurate description of Mrs. Hall, who, the steamship officers had told me, had come across in the ship under the name of Mrs. Wall, and I felt satisfied that the good-looking, gray-haired woman was Mrs. Hall. I put my head into the 'bus door and asked Mrs. Simpson if the trunk above belonged to her. She replied that it did not. Then I said to the gray-haired woman:

"You are Mrs. G. F. Hall, are you not?"

"Is that a statement, or are you asking me a question?" put in the companion of the Simpsons.

"I am asking a question," I made reply, not relishing her apparent archness.

"I will answer it by saying that I am."

"Do you own the large trunk on top of this 'bus?"

"It is not a particularly large trunk," said the woman, with a touch of sarcasm, dealing me a withering glance at the same time. "It belongs to me, nevertheless."

I requested Mrs. Hall to step from the 'bus, and, having done so, the following dialogue took place:

"Have you declared the contents or that trunk?"

"I have not. Why should I?"

"If there be anything dutiable in it the Government expects you to do so."

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"Not at all. Not at all. That entire thing is fixed."

"What do you mean by being fixed?"

"Excuse me, sir, but I did not say it was *being* fixed. I said that it *was* fixed."

I ordered the trunk to be brought to the little custom house on the pier and asked Mrs. Hall to go with me to this section. She readily complied. I do not know what induced me to the belief that a witness might be valuable in this instance, for I have always gone it single-handed, but the idea proved of great benefit, as subsequent developments showed, and Mr. Wilson, the representative of the Naval Office staff, was with me during the remainder of my interview with Mrs. Hall.

When we reached the little custom house on the wharf I repeated the question as to Mrs. Hall having declared any dutiable goods, and she replied that she had not. I inquired why she had traveled under an assumed name. The name of Mrs. Wall on the passenger list was a misprint, she said. Pressed for an explanation of her previous statement that the entire thing was fixed, the woman said that the reason she had not declared her dutiable goods was that she had been promised protection.

The matter was of such a serious nature that I brought in another witness to corroborate me when, next day, Mrs. Hall appeared at the Custom House, as she promised to do. In the superficial

investigation that night Mrs. Hall stated that she had received a code cablegram from her husband saying that everything was "all right" and that she need not declare anything upon arrival in New York. The trunk seized contained dutiable goods valued at 20,505 francs, or \$4,331.15 by actual appraisement.

I had hardly said "good-night" to Mrs. Hall on that Hoboken pier on the evening of September 7 when I set out for the McKay stronghold, on the uptown side of East — Street, in Manhattan. I found a magnificent four-story brownstone dwelling, and from the south side of the street, before I rang the bell, I saw that somebody was celebrating the home-coming of the young modiste and that the house was ablaze with lights from cellar to roof.

The moment I rang the bell every light in the front of the establishment was extinguished. It looked for all the world as if the entire gas supply of that house had been turned off at the meter. It was about ten o'clock when I reached the house, and I rang that bell until one o'clock in the morning before anybody deigned to make an appearance. It was a very warm night and the windows of adjoining dwellings were open, but those of Miss McKay were closed as tightly as the head of a drum.

I felt sorry for the neighbors about me, for the clangor of that bell was not of a degree that

would allay well-strung nerves or even induce sleep. But I was there to stay, much to the discomfiture of a watchful guardian of the law, who hung behind the shadow of a stout stoop to see what I was up to. Those neighbors, too, who were not seated on friendly stoops had their night-robed forms in prominent positions at the windows, on the *qui vive* to see what was going to happen. Their remarks about "the poor man being locked out," or "Perhaps he's tight," while not entirely harmonious to my patient soul, were still not of an offensive nature, even though they were highly imaginative and personal.

That I was not a member of the household was made known to the street audience when, shortly before midnight, Mrs. McKay's well-proportioned Irish cook came along from her "night out." She asked me what I wanted, and if I ever made love to a woman it was on this occasion. I had an important thing to say to her mistress, I told her, and she readily consented to see if she could manage to get through the iron gate in the basement. I was to wait a few minutes to give her a chance to get in and talk with Mrs. McKay. The cook disappeared in the areaway and I saw her no more, the slam of the big, iron gate informing me that I had been checkmated. I had no legal authority to batter down the front door, but I felt mighty like doing so. The law specifically states that one cannot forcibly enter a house without the formal-

ity of a search-warrant, and, not being in possession of that most important document, I decided to pound away on that bell if I had to disturb the neighborhood for six months.

I could plainly see that I was much more patient than those who were watching, particularly the bluecoat, who, while seemingly statuesque and imperturbable, kept his eyes on the jump. I felt perfectly serene in the knowledge that so long as I remained in front of that house neither Mrs. McKay nor any of her agents would be able to dispose of anything imported on the *Auguste Victoria*.

My vigil was sedulously maintained at that door, except for fifteen minutes, while I ran to a nearby drug store to telephone. I wanted to get Collector Bidwell at home, that he might send me reinforcements, but he was not at home. I called up Pinkerton's Detective Agency to get a few men to surround the block, but no men were there. I was afraid that the dressmaker might have the goods taken away over the rear fences and out through the next street. The officer had followed me to the corner and afterwards went into the drug store to ascertain the nature of my business.

I was a bit discouraged when I returned to the stoop and resumed my athletic exercise on the bell. It was 1.15 in the morning when I heard a noise at the parlor window and a feminine voice inquired my mission. The voice was clearly that

of a woman who was trying hard to suppress some excitement.

"I am an agent of the Treasury Department," I said, "and I want you to open this door."

"What if I refuse?" inquired the voice, the owner of which I could not see in the darkness.

"I shall camp out on this stoop until you do," was the reply I made, concluding with, "My meals will be served here, too."

"You are a mean man," said the voice.

I made no reply, for I realized that there was a well of tears behind the statement, and I never could bear to hear a woman cry. I was unprepared for the next move, for within a second or so the voice said:

"My name is McKay. Do you want to see me?"

"I certainly do."

"Very well, then, I'll open the door."

I had counted upon this clever woman demanding to see a search-warrant or some other court paper, but she seemed to be unnerved, and the next moment I heard a chain-bolt rattle, a lock shoot back, and there in the open doorway stood Mrs. McKay in the most gorgeous costume I ever saw on a woman. She was attired even to her hat, which was the latest Parisian creation, and as costly as it looked fair. My admiration for her becoming gown was rudely interrupted by the question of the dressmaker:

"Now, what do you want?"

"I am sorry to disturb you, Mrs.—"

"Never mind your apologies, sir," said Mrs. McKay. "I prefer that you come straight to the point. I am a business woman, and moments are precious, particularly at this hour, when one should be abed."

"I want you to light every gas jet in this house," I said in a tone that must have conveyed the impression that I, too, was practical. "Permit me to light the one in this hall," and, striking a match on the sole of my boot, I did so. Mrs. McKay sat down on the hat rack in the hall and began to cry as if her heart would break.

I closed the door, but as I did so I noticed that my friend the bluecoat was at the foot of the stoop and that he was the picture of curiosity. He was not alone a faithful officer, but an inquisitive one. With Mrs. McKay weeping, wailing and sobbing on that hat rack, I passed the most miserable five minutes of my life. A maid came down the staircase and, with face perfectly white with anger, looked me all over.

I heard the cook climb carefully up the basement stairs, and, although I could not see her for the turn in the staircase, I imagined that she had a pot of hot water in her hands all ready to pour down my collar at a word from her mistress. The latter was, however, having a strenuous time of it, and I really pitied her from the bottom of my heart.

"Go away, please go away," she sobbed. "I'll do anything in the world to serve you. For God's sake, do not disgrace me. I cannot stand the publicity."

I told the woman that I did not intend to injure her business or herself, but that the Government had been defrauded of revenue by her and that I proposed to seize then and there a quantity of merchandise which I knew she had brought in without paying duty on the same.

"I want to see your trunks," I said in conclusion.

Mrs. McKay arose from the hat rack and asked me to step into the back parlor. As I proceeded I heard the patter of feet on the staircase leading to the basement, and I imagine the fat cook must have fallen down several steps near the bottom, because there was an awful rumpus, followed by the clanging of a tin as it struck the ground.

Mrs. McKay was too wrapped up in the excitement of the moment to notice the confusion, but I observed that the savage-looking maid smiled. The back parlor into which I was led was used as a fitting-room, and in the center of it stood an empty trunk, such as is used by dressmakers. It was about four feet long and two and a half feet high. I noticed that there was a chalk mark on its side, the private "O. K." of the inspector who passed it, and I also saw that the steamer label bearing Mrs. McKay's name and the number of

her room on the Auguste Victoria was still attached to it. I asked the woman what had become of the contents of the trunk, and after a moment's pause she replied that she had placed them in closets on the floor above.

At this moment the secretary of the modiste, a Mr. ——, appeared on the scene, and I asked Mrs. McKay to show me to the room wherein these goods were. I thought she would faint on the way upstairs. In the right-hand corner of the room on the second floor was a closet about ten feet deep, such as is usually built in a large house, as this one was.

Mrs. McKay opened the doors of the closet and showed me all the garments that she had brought over. I requested her to remove the garments and return them to the trunk in the back parlor. This the secretary did. I wanted to have the trunk repacked to satisfy myself that I had all the goods that were imported. After she had repacked the trunk I knew that I had less than half of the goods that the trunk originally contained, but, as I had no legal right to search the house, I had to be satisfied with what she said. Her case was bad, but the Government got what was due.

## MRS. ROOT'S LACES.

SOMEHOW or another I cannot be made to believe that Louis Root knew his wife to be a smuggler. The Government does not seem to have had the same faith in the man that I had. Yet I think he was an innocent tool of her desire to cheat somebody, she cared not whom. Root and his wife arrived in the metropolis from the steamer Friesland, August 21, 1900. He was then and is now a fine-looking man. He had perfectly white hair, a white mustache and a commanding height and carriage.

Mrs. Root is a woman who, according to her own story, sees little good health. She looks about as much like an invalid as does the average lad robbing a favorite orchard. Of a ruddy complexion, with rich auburn hair, a vivacious manner and queenly height, she managed to impress one as being anything but ill.

Mr. and Mrs. Root deal in high-class laces, usually made for them to order in Brussels and other lace markets of Europe and formed from their own designs. There is nothing shoddy about their productions, their patrons being chiefly the

"four hundred," with every branch of whom they have a personal acquaintance. Their income has for years been enormous, but Mrs. Root had it in her blood to get rich quickly, and she did not care a fig who suffered, so long as it was not her own precious self.

I had no occasion to suspect Mrs. Root of customs irregularities until the August trip above mentioned. I had met both frequently in London, Paris, Geneva and Luzerne and imagined that I knew their ways quite intimately. It was their habit while abroad to engage the most expensive suites in the leading hotels, and when they returned to this side luxury lost none of its charm for them.

Their home was in Philadelphia, but in New York or other big American cities, following a business trip abroad, they made it the rule to put up at the finest hotels and send out invitations to wealthy people to visit their suite and examine the latest high-class novelties which they had imported.

It was marvelous the way the rich society folk flocked to these hotel apartments and made purchases. Everything appeared so precise and regular, too, that it came as a sort of shock when a waif word coupled their name with questionable methods. I had looked for some days for the coming of the Friesland, but the day she arrived I was held up by a train breakdown and was unable to

get to the pier in time to intercept the pair. As luck would have it, the express company to which they had entrusted the delivery of their trunks to the Victoria Hotel, where they were to stop, had neglected to get them away as early as expected, and I found the baggage on the pier when I got there.

I immediately detained the trunks and told the express company to deliver them to nobody until I returned. I went to the Victoria and found that Mr. and Mrs. Root had been assigned to the swell-est suite of rooms that the establishment owned.

Fearing that my mission there might have an undesirable effect upon the health of Mrs. Root, I invited that woman's husband into his own sitting-room. He was certainly struck dumb with surprise when I informed him that his reputation was at stake and that I was determined to examine their personal effects then on the pier. When able to speak he asked me if I was in earnest, and said that there could be nothing wrong, because an inspector had already passed the luggage.

"There must be something terribly wrong," he said, his face pained beyond expression. "I will see what Mrs. Root says about it."

With that he withdrew. He was gone quite a time and when he returned his face was as white as a piece of blank paper. Great beads of perspiration were coursing down his forehead and his lips were blue from an excessive heart-action. I was afraid

he would drop dead in his tracks. He sank into a chair and buried his face in his hands. At last he raised his head and said:

"You are right. Mrs. Root has been guilty of a terrible wrong to me, to you and the Government you represent. She has just told me everything. It is horrible. It is shameful."

He went on in this way at considerable length, but finally calming himself in a measure, he told me that his wife had packed the trunks and that he knew absolutely nothing of their contents until she had told him a few minutes before.

"Had I known that there was any intention to deceive, I would not have taken all the money in the world to have permitted even the inspector to be hoodwinked," said the importer, in going into the details. "When I left Europe in the Friesland I was under the impression that everything that I had purchased there was shipped through the regular channel to my custom house brokers in Baltimore. Under this belief, I made my declaration openly and without fear, declaring nothing to be dutiable in those trunks, because I never for a moment thought that there was anything dutiable in them.

"The examination on the pier was made in the usual way. Nothing was found. This was as I expected, and as has been done for years, every time that I have come. I am now informed by my wife that when she packed these trunks she se-

creted in her dresses and underwear and in her stockings and in the bosoms of my shirts and in my undergarments laces of the value of five thousand dollars or upwards. I am perfectly willing to go back to the pier with you and turn over every particle of stuff that my wife in her misguided way has brought in."

Mrs. Root, although complaining of her many supposed maladies, begged permission to accompany us to the pier. The inspector who had made the examination had been told by the express company of the detention of the baggage under my order and awaited our coming. In the packing of a trunk I will back Mrs. Root against the world. It is a revelation how she did it.

The old-fashioned way of rolling up a pair of stockings or hose was the cloak for the concealment of hundreds of dollars' worth of the most valuable lace. Stitched in the linings of the dresses owned by Mrs. Root were most magnificent pieces of lace. In the bosoms of her husband's shirts, in his undershirts, and between handkerchiefs were doilies of exceptional value. If she had studied the tricks of smugglers for a thousand years she could not have been more expert in the art. I am convinced that this was not her first attempt to smuggle, but it was probably her last. It was decidedly a bitter lesson for her.

Mr. Root was arrested and arraigned before Commissioner Alexander, who held him in one

thousand dollars bail. He subsequently paid five hundred dollars fine, together with the duty on the stuff. I met him recently in Paris and he was evidently pleased to see me. He said the experience was a most beneficial one to Mrs. Root, adding, "You did my wife a lasting turn the night you came to the Victoria Hotel."

Whether or not I did is a question. I met Mrs. Root abroad last year and she snubbed me, an experience that has enriched my stock of knowledge about women and their odd ways.

## THE FRANK DIAMONDS

CHANCE acquaintances sometimes get the human race into trouble. There was a man named Frank, for instance, who was over-fond of passing the time of day with strangers. Aside from this fault and another, the mention of which will appear presently, Frank was to all outward examination a level-headed citizen. But he was as cunning and sly as the much-lamented character whom Dickens made famous.

I knew the record of Frank some little time before we met. I "accidentally" made his acquaintance one night in the Hotel Cecil in London. It was on the eve of our departure for America. He said that he imagined me to be an American and I confessed to that happy fact. He gave me his card and I extended one that was not exactly mine. He announced that he intended to leave the following day in a Dominion Line steamer for Boston.

My plans were to go in the steamer Teutonic, that was also to leave the Mersey the following morning for New York, but I did not tell him so. This was during the middle of September, 1899,

and I did not see Frank again until the following October 25. I gave him lots of rope in the interim, however. It was on October 24 that he arrived at the Grand Union Hotel in the metropolis and secured the best accommodation to be had there.

I called there at midnight of that date, but failed to find him. The following morning I was shown to his suite and hammered on the chief door, receiving no response. One of the hotel attendants then opened the door with a pass-key, and I was greeted with a round of profanity on the part of Frank, who was standing in the center of the room.

"What do you want?" he finally demanded.

"Those diamonds that you brought over," I said.

"Oh, come now," he said blithely. "I met you in London. You are a Cincinnati banker. I have your card here."

"I am a Government officer," was my reply.  
"Here is my card."

He took it, glanced at it, then laughed heartily. "You cannot fool me. I know Theobald for twenty years. I used to go to school with him," was what he said.

I displayed my shield, told him that I knew him to be a professional smuggler, and that I wanted him to go with me to the Collector of the Port.

He said something about being severely hurt by

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my unjust accusation, and mentioned half a dozen reputable diamond firms in the metropolis who would guarantee his honesty. Would I go with him to any of these establishments and learn how thoroughly goody-good he was?

To my bow in the affirmative he furnished the name of a Nassau Street firm in the diamond brokerage business and well known to me. I do not know what the business relations between Frank and this firm were, but the latter had a rod in pickle for the smuggler, of which he was evidently not aware. He entered the office with a great flourish of importance and said:

“Do you know me to be an honest man and a good citizen?”

“The worst man in State’s prison is better than you,” was the unexpected reply of the broker.

Frank boiled all over with the comparison and it was some moments before he could speak.

“What the devil do you mean by saying a thing like that?” he finally blurted out. “This man is a Government officer and he might believe what you say.”

“I know he is,” said the broker, “and I know you, too. You are as crooked as the hind leg of a dog. He has made no mistake in picking you up.”

This and a great deal more the broker said. Frank said several pointed things, too, and, taken altogether, the war of words was quite heated. It

was interrupted by the arrival of another broker, and I thought Frank was about to faint when he saw the new arrival. The latter had a package containing ten thousand dollars' worth of diamonds, and before Frank could check him he announced to the broker in whose place we were that he wished to dispose of them for Frank.

I immediately seized the gems. When we reached the Custom House he entered a formal protest against Collector Bidwell retaining the diamonds even temporarily, but no attention was paid to his demands. I had been informed some days before I met Frank that he had some diamonds in a safe deposit vault of the First National Bank, and on the way to the Federal Building, where I was to arraign him before the United States District Attorney, I insisted that he give me an order on the bank for them. He refused absolutely, and said that to prevent the Government from getting them he would withdraw the diamonds from the bank.

He went into the vault, and, as I was not anxious to get into any legal complications with the bank, I permitted him to remove a huge bundle containing many packages. As we were coming down the winding stairs I observed the man abstract a package and secrete it in an inside pocket of his waistcoat.

I said nothing of this until we returned to the Custom House. Then I told him that he was making a grave mistake in acting unfairly with the

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Government, which was only too anxious to treat him decently if the goods then in his possession were shown to be duty paid.

"Hand everything over and let the courts settle the question," is the way I put it.

He immediately deposited the packages with the Collector, but incidentally forgot to deliver the one he had abstracted and hidden in his inside pocket. I speedily found it for him and turned it over to the Collector. It was the smallest but most valuable package of the lot, as an examination revealed, containing pearls, emeralds and rubies. Frank secured the most expensive counsel to be had, but the case never went to trial, being compromised by the payment of duty.

## HE USED HIS FRIEND

THE periodical smuggler is the more dangerous because he is not so readily suspected. One of the most successful merchants on Maiden Lane has had for some years spasmodic fits of virtue. When he was good he was, like the little boy with the mumps, very, very good; but when he was wilful his wickedness ran to smuggling. This merchant carries in his establishment an unusually fine stock of precious gems, and while there is no question that he has paid duty on the major portion of his wares, there is considerable question about the entry of the remainder.

About one year ago the merchant was abroad on a regular tour of the Continental markets. He was in Paris when he ran across a friend of life-long standing. There was an effusive meeting, for each was fond of the other. The merchant, however, was not averse to using his friends. The one he met in the French capital was, to use the modern phrase, "easy."

"So you are going to start to-morrow for home?" said the merchant, when they had completed their exchange of compliments. "I envy

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you. I wish that I were going, too. No place like home. I must remain here a month longer to finish business. I want to give you a send-off before you go. Now, I won't take any excuses. I want you to come to my hotel this evening and I'll set you down before one of the finest dinners you ever had."

The friend had much to do on the eve of his departure, but he was a loyal friend and willing to please. Half a dozen times that evening the merchant remarked how complete was his happiness. It was certainly a festive gathering, and the wife of each man, who was present, declared the dinner to be unexcelled. The wine, according to all accounts, was as old and as rich as the friendship of the two men. About the time the servants were assisting the guests to don their wraps the merchant slapped his friend affectionately on the back and said to him:

"Henry, old chap, come to think of it, I want you to do me a favor."

"Have no fear, it will be done," ejaculated the friend. "I have yet to refuse you anything. What can I do for you?"

The merchant took a package about the size of a box of safety matches from his trousers' pocket and, holding it in his hand for a second, said:

"I want you to take this to New York and give it to my son Byron, who is, as you know, taking care of the shop during my absence. It is a bunch

of keys that I forgot to give to him when I left home."

Without waiting for the friend to make any answer the honest merchant lifted up the tail of his friend's evening coat and ran the package into the rear pocket of the trousers. Then he said:

"Be careful about those keys. See that nobody but Byron gets them."

"Byron will get them personally, if I have to swim across," was the reassuring answer of the steadfast friend, who shortly after made his adieu and took his departure. By midnight the friend was whirling along the French railway *en route* to Cherbourg, where, with his wife, he was to embark on the steamer Deutschland, that was to bring him to New York. His dress suit was safely stowed away in his trunk, and he had forgotten all about the bunch of keys, that lay serenely in the starboard quarter of his trousers, by the time that he stepped aboard the ship.

The Deutschland broke the world's record on this trip to the westward. She was half-way across and throwing tons of water over her cleaver-like prow when the merchant's friend emerged from the main saloon doorway to get a breath of the sparkling air before he went below for dinner. It was about twilight, and giant clouds, low down on the horizon, were hurrying eastward, like huge pieces of cotton. It had been rough all day, and the noble ship was piling into the big combers like

a hungry colored "gent" sailing into a ripe water-melon. A reception and concert had been planned among the passengers to follow dinner, and our friend was decked out in his evening clothes as he stepped to the promenade deck. He started to go forward, and had navigated some twenty feet in capital style when the bow of the steamer sank into the hollow of an Alp-like wave that broke into an acre of foam and spindrift forward before the craft recovered her buoyancy.

The only recollection of this sea that remains in the memory of the custodian of the keys is the damage that it did. A few eye-witnesses say that there was a man washed along the deck for a dozen yards or more and the owner of the dress suit was rudely deposited against the ship's rail, from which he arose a dripping, frightened and profane mass of humanity. He was soaked to the skin, and limped as a brawny sailor took him by the arm to lead him towards the saloon entrance.

"I have hurt my hip," he moaned between stifled oaths. He ran his hand along his back to feel if any bones were broken and felt something in the back pocket. He pulled it out and discovered the package which his friend had given him in Paris.

"This darn bunch of keys!" was what he said as he held the water-soaked package up to the gaze of a few sympathizing passengers who had hurried forward to learn if he were hurt. His wife was among those who had gathered about him,

and, passing the package, that now resembled so much pulp, he said to her:

“Take those keys and keep them until I arrive. Do not lose them, though. Oh, I’m not hurt. Simply fell on those keys.”

They entered the superstructure, and, like a half-drowned rat, he limped down the grand staircase, amid an insuppressible titter from the thoughtless but more fortunate voyagers. The man’s wife met a steward at the entrance to the main saloon, and to him said:

“Steward, fetch me an envelope from the library. The paper on this package has become water-soaked through the mishap to my husband.”

While the steward was engaged in obeying the instructions, madam sat by her husband in one of the chairs of the saloon.

“This paper is useless. I will put these keys in an envelope and lock them in your trunk.”

The woman started to remove the paper, which was thoroughly saturated. Her husband was about to say that he would go to their stateroom to get a change of clothing when, with a cry of surprise, madam said:

“Oh, you sweet darling! Tried to surprise me, and by the merest accident I have found you out. Oh, Henry, this is simply gorgeous!”

To the amazement of the speechless Henry, his wife held up to his gaze one of the most magnificent diamond necklaces that he had ever seen. And

while Henry was trying to find his breath to explain that an awful mistake had been made, his wife was dilating with a number of acquaintances what a dear, good fellow he was and how he had tried to surprise her. All laughed and were filled with admiration for the handsome necklace, which she showed around. The husband seemed to be the only glum one in the gathering just then, and one of the men, who thought that he scented something unusual, whispered to a friend:

"She caught him with the goods on. He must have intended that neckgear for another woman. Look at his face. You can buy him body and soul for thirty cents."

Henry certainly did look glum, but the majority attributed it to the fact that he had received a nasty knock and a wetting. They advised him to go to his room immediately. He lost no time in doing so. His wife kissed him over and over again when they reached the stateroom, and he sat down and groaned.

"How selfish of me to dote on this beautiful present when you are in such pain," she said.  
"I'll go and get the ship's doctor."

"No, no," he said in a voice that sounded unlike his own. "Go and get the fool-killer instead."

Then he told her all about it, and she, the wife of his bosom, groaned in concert with him.

"Such a shabby, scurvy trick!" said the woman, in conclusion. "What do you intend to do with

the necklace—give it up to the authorities and let them confiscate it!"

Before he answered these two questions he thought of what a good, faithful friend he had been to the diamond merchant and how their lives had been more or less interwoven. Then he thought of the inequality of Irving's lines:

"Sweet is the memory of distant friends!  
Like the mellow rays of the departing sun,  
It falls tenderly, yet sadly, on the heart."

"Like mellow rays!" he repeated. "I wish I had him here." This and much more he soliloquized. His greatest ordeal was yet to come, however. This was the battle with his conscience. He knew it to be his duty as a good citizen and honest man to give up the necklace to the customs officials, but he was led to believe that the man had made some horrible mistake and had never intended to make him a common carrier in an attempt to defraud the Government of its revenue. Say what his wife would, he could not be made to believe that the diamond merchant was other than a friend. He had attested to that fact, to all appearances and purposes, many times. So, in the battle between duty to his country and duty to the merchant, he gave the latter the benefit of the doubt and committed a dishonest act.

No mention of his having the necklace in his possession was made by him upon arrival in the

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metropolis. The day following he visited the merchant's establishment on Maiden Lane and said to the son, who greeted him with joy that was boundless:

“Byron, here is a bunch of keys that your father made me promise to deliver. Send him my compliments and say that he ought to know that honesty is the best policy, for he has tried both. You might also tell the pious and oily old hypocrite that if he ever attempts to speak to me again I'll stew him in his own gravy. Good-day, Byron.”

## **THE BOCK PEARLS**

ALL smugglers do not trade in the genuine. Some have made more money from a handful of imitation stones than they might have realized from a peckful of the real articles. In the middle of November of 1899 I rounded up a man who had literally flooded the market of America with imitation pearls. He was Ferdinand Bock, and claimed to reside abroad, but I knew him to have a big establishment in Providence, which was his distributing depot for thousands of make-believe pearls.

The duty on imitation pearls is twenty per cent., and throughout America there are hundreds of dealers in that class of goods. These are known to be strictly honest in their dealings with the customs officials, and for several years they were in a quandary to understand how certain other dealers were underselling them.

Paris alone has more than fifty large manufacturers of unreal pearls, and this fact alone made it difficult to ascertain the avenue of distribution for those that were smuggled in. Attention was

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finally settled upon Bock, and when on Sunday, November 19, 1899, he disembarked from the steamer *La Bretagne* I proceeded to locate his baggage. Bock certainly looked anything but a Government offender. He pretended an utter inability to talk English, and said he was a wealthy Frenchman who was *en route* to Mexico to visit his brother. He was dressed most expensively, and everything about him, even to his handsome Van Dyck beard, was groomed with great care.

He was killingly polite, to use the line of an inspector who afterwards examined his luggage. Had he ever heard of Providence? Yes, indeed, and placed great faith in Him. The city of Providence? Never. It was a very appropriate name, though. His baggage was at the disposal of anybody in authority, and he would be delighted to assist in making the examination thorough.

His suavity was as rich as his perfume, and both nearly overcame the inspector. Common politeness demands that the trunks of even a suspected smuggler be examined with due regard to his feelings. There is never any dumping of their contents to the pier floor, as some imagine.

Piece by piece the personal effects of Bock were gone through, every article being replaced in its original position before another was touched. He had three pairs of shoes tied up in as many parcels in one trunk. Each pair was tied heel to toe, upper to upper, by the shoestrings that were attached.

All were packed with imitation stones, pearls being the chief ones.

Bock had the audacity to say that some enemy must have concealed the stones where they were found. He called upon all the saints known to church fame to witness the fact that he was an innocent victim of some wicked, designing person. When I searched him in a private room on the pier it was to find a package of imitation pearls hidden in the tail of his frock coat.

He also had several loose genuine pearls concealed in the band of his high hat. He showed no white feather even when I placed him under arrest. When brought before United States Commissioner Shields he said that he was simply nonplussed to explain how the stones got into his shoes, coat and hat. The Commissioner did not seem to be puzzled, however, and he promptly held the man in twenty-five hundred dollars bail.

Bock took a train for Providence that same afternoon. Subsequent investigation by Government officials showed that he closed out his effects in that city within the following forty-eight hours and started for Paris, where he now lives. The case has never come to trial and in all probability never will. Some experts who looked over the goods thought they were worth forty-five thousand dollars. An official appraisement made their value only six thousand dollars.

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**It is a notable fact that the number of imitation pearls in this country and Canada has been greatly reduced since Bock jumped his bail. His profits must have been enormous.**

## WHY INFORMERS ARE DANGEROUS

INFORMERS are dangerous because they are almost invariably insincere. Once in a great while the truth comes out when the injured fly tells upon the wicked spider, or when some revengeful soul emits a blood-chilling howl of indignation. The great majority, however, count thirteen to the dozen and say many things they cannot prove any more than do the detectives and special agents when they have spent months investigating these idle yarns.

The informer, nevertheless, feels satisfied that he has done *his* duty and has filtered through his system something that corrupted his blood for some time. He has gotten rid of something disagreeable through the easiest of mediums—the ink pot. His conscience “troubles” him, as a rule, though if this same informer had his hatches off there would be few to care to look at his cargo. Yet his allusions to the doings of others are always glove-fitting and generally as substantial as an echo.

As the drummer said to his friend, so it may be said of the informer, “He was kind of lonely,

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unless he romanced." The Government realizes this as thoroughly as possible. Still, believing in the old saw that a low opinion of a rogue's ability is sometimes greatly to his advantage, the chief officials in Washington demand that all letters, anonymous or otherwise, be investigated.

I know from experience how fruitless the major portion of this "information" is, and I also know that it makes poor fare and hollow cheeks for those who hope to profit by it. It is only necessary to cite several recent cases to demonstrate the worthlessness of the "tips" furnished by the average informer.

In 1898, Major Williams, special agent in charge of Paris and several other important points in Europe, sent a report to the department that upon the arrival in Hoboken of the steamer Pretoria from Hamburg would be found two casks alleged to contain brandy. The information which I afterwards got orally from Major Williams was this:

He had been informed that a conspiracy was on foot to bring into the Port of New York a large assortment of jewelry mounted in magnificent settings. He said that he had put a good man on the case, and this official, who was not a Government employee, however, had reported to him that he had learned that a cooper was building to order for a well-known diamond exporter of Amsterdam two casks of peculiar construction.

The detective told Major Williams that he had

seen the casks delivered to the diamond exporter's house; that a few days following this the casks were taken from the house by an individual, whose name was mentioned, and delivered at the railroad station. The casks were placed in the luggage van and the train started for Hamburg, the officer following by the same route.

The detective saw the casks taken from the van and placed in the hold of the ship, the associate of the diamond exporter shortly afterwards departing upon the train returning to Amsterdam. The officer remained until the Pretoria started for America.

A cablegram to Washington put the officials there on their guard, and I, with several other officers of the Government, was instructed to make an investigation. Under the treaty between the United States and Germany it is specified that no officer of the Government has the authority to search a German ship without a special permit granted by the German consul at whatever port the craft arrives. We had no trouble in getting this consent.

Five men searched every part of the Pretoria from keelson to sun deck. The examination of the officers', stewards' and passengers' rooms was very exhaustive, as was also that of the quarters occupied by the sailors and stokers. We then went among the engines, had the boilers examined and thoroughly looked into the coal bunkers. It

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took two entire days to make the search, and we had abandoned all hope when, finally, in a little compartment in the fore peak of the vessel, used as a store place for spare sails, we found two casks.

We had been informed by cable that when the two casks were brought to the diamond exporter's house in Amsterdam the numbers 24 and 42 were marked on either cask in white letters. When we hauled out from the bows of the Pretoria the two casks found there the numerals 24 and 42 were seen on them. We thereupon demanded an explanation of the chief officer, and this is what he said, in plain English:

"Scharlie, von of the stewarts, he vas going to celebrate his wedding anniversary on the ship, and he asks permission to haf a liddle beer unt board to take width him to treat his fellow-countrymans. Und the other cask belonged to Fritz, who wanted to celebrate the anniversary of his wife's birth, or something, or perhaps it vas her death. There vas nothing wrong about them casks."

An axe was brought forward by order of the master of the ship and we broke the casks into staves. They were perfectly empty, and if they ever contained beer, they were pretty dry when we demolished them. The man who gave the information evidently concocted the story out of whole cloth. He probably conceived the yarn as a joke upon the officers of the ship. We all felt very

sheepish as we left the Pretoria, and I could not help thinking of Kipling and his friend Mulvaney, who said, " 'Tis not for me to interfere wid your a-moors."

On another occasion I was given the following case to investigate. On one of the French Line steamers there would be found a large consignment of Dutch cheeses and that in the cheese contained in case No. 1774 was secreted a large collection of big diamonds.

There was no great trouble finding the case designated, and as there was quite an army of examiners on the pier I borrowed one of the knives used for sampling and cut this particular cheese into thin slices. The result was that we had to destroy the best part of the consignment to make doubly certain that everything was regular and that no mistake had been made in cabling the case number.

We found neither diamonds nor anything else that was precious, but the Government had to reimburse the owners of the Dutch importation. As for the man who gave the "information" to the Government, he must be either suffering from mental myopia, or was simply a hopeless, incorrigible and unmitigated story-teller. I am inclined to the latter opinion.

Some "tourists" will betray their best friends for the sake of a little gain. I recall an instance which occurred in 1898. There was an undersized chap named Jacobs, who came over in the steerage

of one of the Hamburg boats. I had seen him in Antwerp several times and knew he was doing business for a brother-in-law who was a diamond-cutter in that city. It was about the time that considerable attention was being paid to the coming and going of steerage passengers, because the belief prevailed that it was through this channel that many smugglers used to travel.

Jacobs recognized me as he stepped from the ship, and I called him over to where I was standing. I said to him:

"I want you to give me the jewelry and diamonds you have with you."

I had not the remotest idea that he was bringing anything unlawfully into this country. It was a mere guess on my part. He nearly struck me dumb with astonishment when he pulled from his pocket a package of pearls, which were immediately confiscated and subsequently sold.

I thought I was through with Jacobs, but he called at my home on January 17, 1901, and said that he desired to lodge information against a friend who was then coming to the country in the steamer Campania. He told me that the man's name was Joseph, that he was one of his best friends, but that he wanted to make some money, and that, while it was rough for Joseph, it was still a business opportunity that he did not care to lose.

This he told me as easily as molasses flows from

a spigot on a warm day in summer. He added that he was leading an honest life and that in future he wanted to be respectable. I never appreciated the wisdom of the line, "Ignominy thirsts for respect," so thoroughly as then. I felt like kicking him down the steps, but I had to do my duty, and while I realized that his visit was as indigestible as a doctor's bill after the death of his patient, I had him make a statement in writing.

I gathered in Joseph when he came along, and took Jacobs in charge, too, for safekeeping. We made a complete search of both men, but nothing dutiable was found. To this day I cannot understand how a man even of the character of Jacobs could attempt to deceive his best friend. In this case Jacobs did not receive any reward and he lost his friend. I can only attribute his conduct to the love of gain. I know he was as greedy as a Rio shark and less merciful.

I had no doubt, however, that Jacobs knew whereof he spoke when he proclaimed that Joseph was a smuggler. Joseph had told me that he was not, that he was an honest man; but, as I had had my experiences with honestly dishonest people, I looked upon what he said as mere chaff. To me his promises were as valuable as an eggshell, and I instinctively felt that his soul could find ample space in a nutshell.

It was because of these convictions that I sent to Europe a description of the man when, shortly

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after, he returned to that side. I felt satisfied that his trip here was an initiative one and that he fully intended to return here, and no doubt bring with him an importation of diamonds which he would not legally declare. When he returned to Liverpool he was shadowed from that city to Antwerp, thence to Paris, back to Antwerp and again to Paris.

In the French capital the agent who was following Joseph was taken ill with typhoid fever, and before another agent could arrive upon the scene to relieve him Joseph had disappeared, but not until a number of valuable photographs of him were taken by the agent and sent to this country to show that the right man had been located and photographed without his knowledge. Joseph will come along again, I imagine. Men of his calibre usually become more courageous and less cautious. Uncle Sam never sleeps.

## THE ANONYMOUS LETTER-WRITER

THERE is an unwritten law in the history of civilization that no attention should be paid to anonymous letter-writers. The average business man makes short work of such correspondence. When he receives a communication signed "Justice" or "Friend," or some other equally transparent correspondence, warning him not to do this or that or something else, he usually consigns the worthless and generally illegible "document" to the confines of a convenient waste-paper basket.

The Government invariably pays attention to any anonymous letters that it receives, and in the case of the Treasury Department these come by the dozens every business day. All of the letters are "investigated," and while in every ninety-nine times out of the hundred nothing comes of them, yet they are made the subjects of exhaustive inquiries both here and in Washington.

The majority of the letters touch upon smugglers and offer a wide scope to the imagination. Some might be considered quite ludicrous if they were not so seriously offered. Among those in the service it is pretty generally known by whom many

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of the letters are prepared and the purpose in sending them to the authorities. In the majority of cases the desire is revenge, but not a few are intended as a means for a reward.

Partners who have quarreled have been known to inform the Government of each other's weaknesses. Wives have "peached" upon their husbands because they suspected them of wrongdoing. A clergyman, high up in the circles of the church, wrote an anonymous letter charging a pillar of his church with being a professional smuggler. There was not a word of truth in the statement, and the minister afterwards admitted that he made the accusation because the business man had criticised one of his sermons. Business rivals, however, indite the bulk of the "warnings" that are sent in pen-and-ink sketches to the Treasury Department. Here is one letter that occupied the attention of five Treasury officials for six months:

Sept. 10, 1900.

To WHOM IT MAY CONCERN:

To-morrow the steamer Kensington, of the "Red Star line," will arrive in New York from Antwerp. Sailed Sept. 1st. There is on board a man by the name of Max Carleton, a Jew, who may now travel under an assumed name, as Carlton is also an "alias." He is about 35 years of age, stout build, medium height, dark eyes and hair, smooth, fat, round face. When he left New York was not wearing mustache nor beard of any kind, but he may have grown one since. Used to hang around the — Hotel, where, perhaps, he may be known. He went to Europe, to buy a lot of diamonds which he intends to smuggle in. Is clever, shrewd and tricky.

Look out. . . . .

With the exception that a man described as above came in the Kensington as a passenger, there was not an iota of truth in the letter, but it took much time and money to discover that fact.

Equally shallow was the following "inside" information which an amateur Sherlock Holmes supplied:

BROOKLYN, N. Y., Nov. 8, 1899.

MR. W. H. THEOBALD,  
Care of Geo. R. Bidwell, Esq.,  
Collector of the Port of New York,  
Custom House, New York City.

Dear Sir:

A few days ago I came to overhear a conversation between two men, one of which was a neatly dressed Russian Hebrew emigrant.

The latter boasted of having brought over to this country, three or four weeks ago, a considerable quantity of jewelry (diamond rings, watches, pearl-set chains, and last, not least, four thousand carats of unset diamonds), and to have paid duty but on a very small part of it.

On hearing this, I resolved not to lose sight of the man and to follow him up. As a result of my subsequent tedious and sagacious investigations I have since found out the following:

1. The man's name is "—."
2. He landed 3 or 4 weeks ago in the Harbor of New York (by what line of steamers I could not find out).
3. After having for some time lived private in Delancy Street, and being robbed there of 1,000 roubles and some jewelry, he moved to a hotel in Grand Street, N. Y. City.
4. He carries considerable jewelry on his person (in a leather wallet), offering it for sale on any suitable occasion.
5. He has considerable jewelry at home.
6. But the main part of his importation, the 4,000 carats of unset diamonds, are stored in the — Bank, Grand Street (East Side), where they emptied a whole safe for him, and where he goes in and out all day.

Having acquired knowledge of all these facts, I fulfill my duty as a citizen of this community by giving you, as the

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proper authority, hereby information of my discovery for further action.

I desire my name be kept secret and to receive the full benefit of such reward as may be provided by law or any Custom House regulation for such information.

Very truly yours,

\_\_\_\_\_,  
Until Nov. 30th at — — Street.  
Thereafter at — — Street.

The subjoined is the contribution of a heart-broken wife who was deserted by her husband. This letter, like all the others, is reproduced without any corrections or changes in construction. The letter says:

AMSTERDAM, April 18, 1899.

MR. WM. H. THEOBALD,  
Custom House, New York.

Dear Sir:

This is to advise you that Mr. — — — and his mistress, Mademoiselle — — —, a French actress, will sail for New York in a few days, either by the Lucania or the French Line. I suppose Mr. — will have some contraband diamonds, and trust that a careful search on both of them will be rewarded. Don't forget to look in the trunks or valises; the stones may be concealed in the side pieces which carry the loose frames.

ONE WHO KNOWS.

This is a protest from a professional ocean traveler who had to pay big duties on frocks and frills which she brought in without making any declaration. She says:

MR. THEOBALD, United States Barge Office, New York:

You are a mean man. You took everything From me, and there is — & — of No. — West — Street that brought in Forty dresses and paid no duties. Nab them. — — .

The "Honest Citizen" and "Patriotic Ameri-

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can" are star performers in the writing of these letters, and one of these patriots became so disgusted with a smuggler that he wrote the following instructive letter to Uncle Billy:

ANTWERP, 3, 8, '99.

W. H. THEOBALD,

Costum House, New York.

Via England.

N. Y. North America.

On board of the Red Star Steamer Kensington is a person on board with some bottles with Essence to make some liquor in America, his name is — or the —, something like that he come from Beveran waas Belgium and is going to Seattle, Wash. He like to smuggle that stof, for a person from Seattle by name — — —, that person make some liquor himself without to pay license for it, that person Mr. — is a saloonkeeper in Seattle, and make all different drinks in liquor without to pay license. When some people come to America they bring some stof along for him to make it.

Yours truly,

ONE AMERICAN.

The writer of the next letter must have gone to the same school that "one American" graduated from. He has this to say about a neighbor:

NEW YORK, 7, 19, 1900.

MR. WM. H. THEOBALD,

Dear Sir: I think it is my duty to inform you, that the Violinmaker Mr. — of Third Avenue near 55555 (55th?) Street, Manhattan went to Germany to buy some old valuable Italian Violins and other musical instruments. He will with the help of the stuarts try to get them in without paying duty. He did the same last year when his wife was in Germany. She brought several old Violins along without paying duty. Most of his Stock he gets this way, as a part of the Stuarts are musicians and he is well acquainted with them. Chances are that he himself went as Stuart to save expenses. I hope this information will help you.

A BUSINESSMAN.

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The next letter is from a journalist of the old French school, who wanted to do some traveling at the expense of the solid taxpayers of the United States, but the authorities did not place much faith in his promises. In his two letters the journalist remarks:

Dear Sir:

I enclose you an envelope with my address. Send me your answer as soon as possible this afternoon. I will get it in Nyack to-night or to-morrow morning and will immediately come to New York to see you.

To deliver you this gang which rob United States of thousands of dollars each year. I only want two things. 1st. My ticket to Montreal and back. 2nd. My passage to Europe by way of the Azores Isles. I do not want money. You will pay me *when the gang is in your hands*. You will get it this afternoon. Do not fail to send me your answer quickly. If you do so I will have the gang in your hands in 4 weeks. They are 2 men and 1 woman and they smuggle by ways you are not at all suspicious.

Truly yours,

— — —

The following is by the same writer as above:

NEW YORK, 26th September, 1900.

Dear Sir:

I would like to have an interview with you about smuggling jewellery here. I am up to a scheme which, when found out, will prove you that I can be of great utility to you. I am French—31 years and about 6 months here in United States. Since 1894 I have come here about twice a year and am thoroughly acquainted with United States, knowing it from New York to Rocky Mountains and from New Orleans to Duluth. My last travel I went back from New York to Paris in March. I found my clue when I was in Paris in June. I came back here in July and I have in view a *gang* which have extraordinary successful. Now I propose to enter your service, I do not ask to be paid. The only thing I ask is to have free transportation when I am in United States and free trans-

portation on the Ocean steamers—that's all—you will pay me when *the smugglers are caught*. I speak and write the Spanish language thoroughly that's how I came on to find out that smuggling scheme. Now I will tell you that I come here twice a year for two things. 1st. I am a journalist. I write on International politics in the French newspapers—I wrote too the *Spirit of Times* on the French running and trotting races. 2nd. I buy here trotters to export to Europe. I have done these two business for 6 years. I am waiting to see if I can see you.

Yours truly,  
(Signed) — — .

The would-be informer, who is a true-blooded American, and who knows the English language only as a landlubber knows the ship's ropes, is the author of this important document:

Sir: I am american Citizen and I will do not the other Stranges peoples Cheat us My duty Me oblige to let you know which Cheater the U. S. by Secret Contraband the man is it one Syrien have one store — — and one other store in Montreal Canada. This man make her Business in this Way. he order her goods to come from Paris france to Montreal Canada and ther he pay duty Very Cheap and then he express her goods to the boarderings of the untied States and then he took the Said goods and giving to the Cariage Man and the Cariag Man in the nighte time he Carry them With other different things eggs and other things lik that in many Barrel and the goods Mixed With Them So the goods entre in united States in the Way of the desert.

respectfully yours truly,  
AMERICAN BROTHER IN LAND.

Another honest citizen who could not bear to see the Government robbed was responsible for the following communication:

NEW YORK, July 17, 1900.

MR. WM. H. THROBALD,

Sir: I beg to let you know that a man by the name of —

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something as a steward or chief waiter or an employe for the steerage passengers on board the French steamer — will arrived next Sunday. If you observe the man you will have the better case of smuggling ever known in the United States in regard to jewellery, diamonds and everything. It may be that the man does not desembark the day of his arrival the said things as he is rather clever or used the service of an accomplice woman now in New York who will visit him on board, or a man. The man is about 40 years old and known on the pier 42.

A Good CITIZEN.

The next letter was sent to the Government through a special messenger, who made a journey of several hundred miles to see that it fell into proper hands. It was written on church paper, and says:

Mr. —, of Omaha. In Europe buying Diamonds has his ladies friends from Omaha bring them through the costum expected back latter part september from hamburgh likely will have Mrs. — from Omaha bring them. JUSTICE.

It does not require the services of a mind-reader to discover the purpose of the next letter. It was written by a woman, and told as plainly as though stamped across its face that the author had at least a speaking acquaintance with "the legitimate wife and three children" mentioned in the communication, which is here attached:

### SUPERINTENDENT OF CUSTOM HOUSE:

Very important to read for the Officials of the Custom House. Allow me to call your attention to the arrival here of one Mr. — —, calling himself Brown also:—who lived lately in London No. — —. This man in arriving was the bearer of a quantity of smuggled jewels and diamonds. In fact he had gone to Europe with the avowed object of smuggling goods on his return.

The man is a Swindler and a cunning Scoundrel speaking all languages but born in Germany. He came in this country for the first time about 3 years ago, with a woman of bad repute for which he has left his own legitimate wife and three children in the most abject misery in Belgium. He has lived here about two years in New York at — — — where the woman he was living with was shunned by all honest people. She calls herself by the name of — — . This man has then gone to Europe with the purpose of bringing back here another poor woman to be delivered to a life of shame and live himself by that shameful trade, and in the same time to smuggle in all he could. He has arrived here Thursday the 21st inst. coming probably from London but he had sojourned before that at Brussels and Paris. He bragged in arriving here to have well succeeded on either side of the Ocean. I cannot give his exact address but he can be found frequently at a man named — — , — — . This latter man being his best friend and also a Jeweler of his trade. These two individuals should be watched for many reasons, those especially concerning the Customs House. There are many jewels yet in their possession. Accept my salutations. P. S.—If later I find out the address of the man I will communicate it to you.

Nor is there much mystery as to the identity of the writer of the following, which shows in every line of it the spite of a business rival:

ST. OLYSHOUSE, CANADA, Oct. 30th, 1899.

CUSTOMS OFFICIALS,

New York.

Dear Sir:

Hereby I let you know that Mr. — — of — has gone to Belgium, to buy goods for himself, and his brothers, who are tailors, to buy goods and defraud the Government of Duties by hiding said goods in coarse sacks, which themselves would be enveloped in worthless bed blankets, passing thus as undutiable bedding goods. For the last three years, they have thus imported more than \$500 worth of material and did not pay a cent of Duties and not even the freight, as they were many and divided the baggage in such a way that no attention was paid to them by the Customs officials (the same being concealed in bed spread, while inside valuable goods

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were hidden. Moreover, the parties above mentioned, are inducing travellers taking the same route to help them unconsciously by assuming the ownership of such "Goods Stuffed" coverlids, which, after passing the Customs, unnoticed are turned over to the smugglers. These smuggled goods are so well arranged that it is difficult to detect the fraud, unless warned. The above mentioned party has started for Belgium, about the middle of October to buy about one thousand dollars' worth of goods and has a return ticket, which implies that he intends to return shortly. Besides he receives a dollar a day from a Cattle dealer to feed the animals on board (which is no doubt a blind). He may return immediately, or may delay a few months. He is a short man, about 30 years of age. He has the intention to continue smuggling, if success attend his ventures, and to enlarge upon the business. He and his brothers are now selling goods under cost. I hope you will do your best to Seize the coming goods, and notify the other Custom Houses, where the goods might be smuggled in, as I am not certain which way he may come back.

Yours truly,

A reputable druggist sent the subjoined letter and afterwards told the officials that the man in question used to make forty thousand dollars a year bringing stuff unlawfully into the country. When asked to go on the stand and testify in the event of the man's arrest he refused to do so. The letter reads:

MR. WILLIAM THEOBALD,  
Care Custom House, New York.

Dear Sir:

A Hebrew named —— that has gone abroad on a regular trip to buy contraband goods in Europe.

The goods will probably be taken into port in *disguise*. They are rubber goods. They will come in the shape of candies, cigarettes, or perhaps of some new devise to fool the Customs officers.

Watch for him in about 5—6 weeks. He will then return.

## ANONYMOUS LETTER-WRITER 505

Mr. B. the good friend of his, does the dirty work of helping him smuggle in the goods in some strange guise. An appraiser must be involved to get them through, as their false invoices are notorious. Look out for B.'s work. He may clear goods for him before he returns himself. Certainly look out for any goods consigned to

— Avenue, Druggist.

either his name or his address, as they may be consigned to a fictitious name. I think he has left here on the Steamer "Grosser Kurfirst."

Confidentially yours,

The four letters which follow are more to the point, and in each instance are known to have been written by those who were financially hurt by the persons of whom they complained. The letters are given without further introduction:

ROTTERDAM, June 26, 1900.

WILLIAM H. THEOBALD, Esq.,  
New York Custom House, New York.

Dear Sir:

I must call your attention to the following facts, that the house of — & Sons of Rotterdam sends chemical scales and balances to Messrs. — & Co., Ltd., No. — East — Street, New York, that they enclose insides *the glass balance cases diamonds*, that they sent with last steamer named — 11 cases, marked

NOTE.—(Here is drawn a diagram showing the style of marking.)

Containing Chemical Balances and weights that somewhere must be enclosed a couple of Brazilian diamonds *in a small paper box* it will be well for you to investigate this business *thoroughly* formerly they have packed them along with Riders in a paper box also insides the slides of the Mahogany cases where the windows go up. The value of the diamonds is Fl. 823,40 florina.

ANONYMOUS.

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New York, June 27th, 1900.

MR. WM. H. THEOBALD,  
New York.

Dear Sir:

I will call your attention to the fact that a party of ladies' tailors left for Paris on the Auguste Victoria, the 21st inst. with the intention to import *Trimmings* for Dress Makers' purposes and also *Jewels*. They have taken their wives with them for that purpose. As a citizen of the U. S., I will call your attention again to keep a close watch on these people as they will return the latter part of August with the same Steamer Auguste Victoria. The name of the Ladies' Tailors are as follows:

(Here is given a list of five well-known ladies' tailors.)

Yours very respectfully,

This letter is sent from — — —.

MR. WM. H. THEOBALD,  
New York City.

New York, July 10, 1900.

Dear Sir:

I will call your attention that a small store does business in diamonds under the name of — Bros., at No. — — — Avenue, and their business consists in smuggling Diamonds from Europe to this country, being an American citizen and believe that this kind of transaction ruins other business men, I call your attention, to the fact that one of these brothers, Mr. John — went abroad with a family of the name of —, with the intention of smuggling \$50,000 worth of diamonds.

Trusting you will give this your attention, I remain,  
Respectfully,

P. S.—The cities they will visit is Paris Antwerp, and to allude the Custom House here, they may return through Canada.

Sir: Mr. — and Mr. — are in this city with the Hope Collection of paintings, purchased by them in England. They have been bought at very low prices, and entered in the Custom House very low. In that way, they will defraud the U. S. Government of considerable duties. If you will look into this matter, you will find much truth in it.

Yours resp'y,

ONE WHO KNOWS.

It must not be inferred from the above batch of correspondence that everybody who writes to the department or to the Custom House is absolutely reliable as to facts. The number of letters that come from persons of peculiar ideas and minds are many. Here is a sample from Colorado:

DENVER, COL., Nov. 13, 1900.

MR. THEOBALD,  
Special Treasury Agent,  
New York City.

Dear Sir:

The diamonds belonging to the Maximilian and Carlotta crown and necklace, etc., belong to me. I am Sherman's daughter of the (War history) of 1860—and I am to-day as I was then, the President of the United States. Preserve those diamonds as the government owes me something for past impertinence.

Yours very truly,

MISS M. E. K.,  
Post Office Box ——,  
Denver, Colorado.

Supreme Court of the United States.

During September of 1901 an old lady, very neatly attired and, from all appearances, quite respectable, called at the Custom House and showed me a letter signed by one of our deputy collectors who held office in 1861, recommending her to the Appraiser of the Port. This old lady wrote fully fifty letters and mailed them to me within the first month after we met. In the majority of them she called my attention to the claim that she had in her possession a number of letters signed by the Pope; that this high dignitary had sent her a barrel of diamonds in 1861, that they

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were fraudulently withheld in the Custom House, and that while she had made many efforts to recover them during the many intervening years, she had not been successful.

I doubt very much that the aged woman will ever get them, but she evidently has not given up hope, for her letters come as regularly as the dinner-hour. The correspondents of the Government are certainly persistent, if not altogether truthful and accurate, and personally I am of the opinion that there is frequently more sense in what the insane ones write than is contained in the pen efforts of many others.

THE END







**14 DAY ICE**

REVIEW

This

Rev.

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